PLANNING COMMISSION MEETING AGENDA
Council Chambers, 1000 Laurel Street

January 6, 2020
Monday

Regular Meeting
4:00 p.m.

1. Call to Order and Flag Salute

2. Roll Call

3. Additions/Deletions/Corrections to Agenda

4. Citizen Participation

5. Approval of Minutes

A. November 4, 2019 Regular Meeting
B. December 2, 2019 Regular Meeting

6. Regular Agenda

A. Election of Officers for 2020
B. Work Plan Topics
C. Accessory Dwelling Units

7. Commissioner Reports

8. Next Meeting: February 3, 2020 4-6PM

9. Adjournment

Planning Commission may add and take action on other items not listed on this agenda.
If you need ADA accommodations, please contact City Hall at (253) 517-2705 at least 24 hours prior to the meeting.
Thank you.

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PLANNING COMMISSION MINUTES

Regular Meeting
Monday, November 4, 2019
4:00 p.m.

1. CALL TO ORDER AND FLAG SALUTE

Chair Whalen called the meeting to order at 4:00pm and Commissioner LaVergne led the flag salute.

2. ROLL CALL

Present: Chair Whalen, Vice Chair LaVergne, Commissioners Gillespie, White, Boyle and Balsley.

Absent: Commissioner Sweat

Staff & Elected Present: Clerk Trisha Summers, Public Works Director Nick Afzali, Senior Contract Planner Brittany Port, Building Official Dana Herron and Police Chief Tony Hernandez. Council members present were Councilmembers Johnson, Whalen, Whitaker, Hutson and Tompkins.

Motion "to excuse Commissioner Sweat from today's meeting" (Gillespie/LaVergne) **Passed 6/0**

3. WELCOME

4. ADDITIONS, DELETIONS TO AGENDA

Chair Whalen advised Commission that the agenda needed to be moved around to bring item 7E after 7A in order to respect staff work schedule.

5. CITIZEN PARTICIPATION

Raymond Herman
Spoke about the Bridge Point I-5 Seattle project and the impact that development would have on his family.

Christy Journey
Concerned that she did not receive notice of the Bridge Point I-5 Seattle project and is a resident living on 5th Avenue.

Councilmember Robert Whalen
Would like to excuse himself from the room when the Bridge Point I-5 project is discussed to avoid any conflict with his council member duties on this project.

6. APPROVAL OF MINUTES

A. September 11, 2019 minutes

Motion "to approve minutes for September 11, 2019." (Gillespie/Balsley)
Passed 6/0

7. REGULAR AGENDA

A. Accessory Dwelling Units – Beginning Phase

Chair Whalen asked for feedback from staff regarding ADU's. She would like to know what information Commissioners need to have in mind when beginning work on Accessory Dwelling Unit code. Senior Planner Brittany Port spoke about zoning regulations and the need for a clear code and Building Official Dana Herron spoke about building regulations and potential problems to look out for pertaining to ADU's.

Councilmembers weighed in with concerns regarding rental of ADU's, a strong purpose for an ADU and the development of a clear and concise code pertaining to Accessory Dwelling Units.

Chair Whalen concluded this topic with instructions to Commissioners to send any legal questions or concerns to City Clerk Summers before the next meeting.

B. Bridge Point I-5 Project

Public Works Director Nick Afzali and Senior Planner Brittany Port presented a PowerPoint presentation explaining the proposed project to the Planning Commission. Staff also outlined the timeline of the project and next steps.

Planning Commissioners asked clarifying questions to gain a clearer understanding of the project.

All council members in attendance at today's meeting left the room for this presentation in order to protect their council member duties pertaining to this project.

C. Vacant Building Regulations

Police Chief Hernandez spoke about vacant buildings and the need for a registry to allow police to have the information regarding who to contact in the event of trespassing, alarms or suspicious activity at property. The Chief suggested a public education campaign to reach out to business owners. The registry would incentivize them by helping police keep squatters or those entering illegally out. This would also be appreciated and used by East Pierce Fire and Rescue.

Staff spoke about the lack of resources being a key issue in helping to monitor vacant buildings. Council members would like to see vacant parking lot care included in regulation.

Council members agree that they would like the Planning Commission to continue their work on this topic.

D. Planning Commission Protocols

Chair Whalen spoke about the methodology, resources, and communication necessary to complete the tasks that Council assigns. She spoke about how the Commission came to the point where they felt that these issues were important to clearly define in writing and the wish to have more Staff and Council support as work progresses.

She noted the change in the Commission's way of accomplishing work and their work-product, stating that when needed resources are unavailable, the Commission's results will be a listing of the primary content and intent of the proposed regulations and policy changes.

Council commented that they are happy to be included in the meeting today and expressed interest in a report at council meetings giving status updates on Planning Commission work.

E. Planning Commission Work Plan 2020

Chair Whalen asked the Commissioners to review the work plan but in the interest of time, there was no discussion on this topic.

8. COMMISSIONER REPORTS

Chair Whalen

- Thanked council members for attending. The absence of staff attendance at meetings has been hard to keep things moving forward. Will keep communicating with council and move forward with work plan.

Vice Chair LaVergne

- Nothing to add

Commissioner Gillespie

- Would like to sit with council and set goals for the 2020 work plan together.

Commissioner Balsley

- Nothing to add

Commissioner Boyle

- Thank you to Staff, Council and Commissioners for attending today and not giving up! This has been a very productive meeting.

Commissioner White

- Nothing to add

9. ADJOURNMENT

The meeting was adjourned at 6:03 PM.

_____

Chair Jacquelyn Whalen

PLANNING COMMISSION MINUTES

Regular Meeting
Monday, December 2, 2019
4:00 p.m.

1. CALL TO ORDER AND FLAG SALUTE

Chair Whalen called the meeting to order at 4:00pm and led the flag salute.

2. ROLL CALL

Present: Chair Whalen, Commissioners White, Boyle and Sweat.

Absent: Commissioner Balsley and Vice Chair LaVergne

Staff Present: Clerk Trisha Summers

Motion "to excuse Commissioner Balsley and Vice Chair LaVergne from today's meeting" (Boyle/Sweat) **Passed 4/0**

3. ADDITIONS, DELETIONS TO AGENDA

Chair Whalen advised Commission that she has not had time to proofread the minutes from November 4, 2019 meeting so they aren't included in this packet.

4. CITIZEN PARTICIPATION

None

5. APPROVAL OF MINUTES

A. November 4, 2019 minutes

Minutes not ready to be approved at this time.

6. REGULAR AGENDA

A. Lessons Learned as a result of Commission's 11/4/19 Meeting

Chair Whalen reviewed the November 4th meeting with Commissioners and asked if the meeting schedule is still working and how members would like packets in advance of the meeting. It was decided that members would like their packets one week before their meetings for review and that the 4-6 time frame is working for everyone.

B. Commissioner Contact Information and Preferences

Chair Whalen passed out a current contact sheet for all commissioners and asked them to go through and make notes as to what they would like their primary method of contact to be. The information was given back to the Clerk and will be compiled into an updated document.

C. Commissioner's Work Plan for Year 2020

Chair Whalen asked for input from commissioners regarding any subject matter they would like to see added to their 2020 work plan. Commissioner Boyle would like to have Chapter 17 of the Milton Municipal Code added for a review of procedures associated with notifications of projects.

D. Accessory Dwelling Units

Discussion continued on Accessory Dwelling Units (ADU) and how to begin work on the code. Commissioners were encouraged to look into other codes and bring back the "what" they envision ADU's to be to next meeting.

E. Election of Officers

Commissioners decided to hold election next month when all members are present.

7. COMMISSIONER REPORTS

Chair Whalen

- It has been an honor to be the 2019 Chair and looking forward to 2020.
- Best of Luck to Jim Gillespie as he moves from Commissioner to Councilmember.

Commissioner Boyle

- The tree lighting is 12/7, wear your Planning Commission name tags and come and mingle at this wonderful community event.
- The last council meeting audio regarding the closed record meeting was a good listen. Encouraged commissioners to listen.

Commissioner White

- Nothing to add

Commissioner Sweat

- Updated on Civil Service Commission

8. ADJOURNMENT

The meeting was adjourned at 5:39 PM.

_____

Chair Jacquelyn Whalen

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TO: **Milton Planning Commission,**

FROM: **Jacquelyn Whalen, Chairman**

MEETING DATE: **January 06, 2020; Planning Commission Regular Meeting**

TOPIC: **Election of Officers Serving January 06 through December 31 of 2020**

DESCRIPTION:

Election of the Commission's Officers for year 2020, as prescribed in the Commission's Bylaws

ATTACHMENTS:

None

PURPOSE and INTENDED OUTCOMES FOR TONIGHT'S DISCUSSION:

1. Election of Chairman and Vice-Chairman to serve January 01 through December 31, 2019

DISCUSSION:

The Essential Steps of the Procedure:

- Election of Chairman:
  - The current Chairman (or Vice-Chairman if the Chairman is not present) confirms that all understand and agree to the procedure as outlined. If not, clarifications, additions, &/or changes are made – per approval of the majority.
  - The current Chairman opens the nomination process by requesting nominations for the Chairman - stating their term of office. A second to the motion is not called for.
  - Any Commissioner may nominate any Member - including themselves.
  - Chairman confirms whether the Nominee is willing to serve - if elected.
  - Once nominations have stopped, the Chairman makes two more requests (making three in total for the position) for nominations.
  - When no further Members are nominated, the Chairman closes the nomination discussion.
  - Chairman calls for the vote on each nominee
    >> in the order in which the Members were nominated.
  - The first Nominee to receive a simple majority (50% plus one) of the votes wins the election.
  - In the event of a tie-vote, the voting process begins again, as outlined above, until a Nominee receives a simple majority of the votes.
  - The newly-elected Chairman begins their role as defined in the motion to nominate.

- Election of Vice-Chairman:
  - Repeat the same series of steps as listed above

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TO: **Milton Planning Commission**

FROM: **Jacquelyn Whalen, Chairman**

MEETING DATE: **January 06, 2020; Planning Commission, Regular Meeting**

TOPIC: **Planning Commission Work-Plan for 2020**

DESCRIPTION: Listing of topics to present to Council and Staff for next year's work

ATTACHMENTS: none

PURPOSE and INTENDED OUTCOMES FOR TONIGHT'S DISCUSSION:

1. Identify & discuss the scope for possible topics for the Commission to work on for year 2020
2. Finalize a prioritized list of topics, if needed.
3. Discuss Commission's preferred method for forwarding this information onto Staff and Council.
4. Agree upon the next-steps towards completing this topic

DISCUSSION:

It would be worthwhile to discuss the protocol for forwarding the Commission's suggestions on to Staff and Council. Possibilities:

- Does the Commission first wish to hear from Director Nick Afzali and other Staff Members before finalizing a list of suggestions?
- Does the Commission wish to attend a Council Study-Session of Council's Retreat – Special meeting in order to present the Commission's suggestions?

Any and all ideas are welcome on this topic for discussion. Once the Commission's suggested topics are determined, the discussion will need to include:

- A description explaining the Commission's intent will need to be agreed upon for a written summation of each work-plan topic

- A prioritization of the list of work-plan topics, if needed

LIST OF SUGGESTED TOPICS THUS FAR

- Accessory Dwelling Units
- Review notification requirements in MMC 17.71.040 Process Types
-
- Rezone Requests

- ✪ Land use and policy issues as they arise - with Council's approval to work on those items
- ✪ Planning and Policy documents that may be due for an update or full revision

The Commission respectfully asks that the City Budget for 2020
apportion the financial resources necessary to:

- ❖ Complete the tasks assigned by Council
- ❖ Provide training opportunities to improve Planning Commissioner skills

TO: **Milton Planning Commission**

FROM: **Jacquelyn Whalen, Chairman**

MEETING DATE: **January 06, 2020; Regular Planning Commission Meeting**

TOPIC: **Accessory Dwelling Units [ADUs]**

WORK PLAN ITEM and DESCRIPTION:

Accessory Dwelling Units [ADUs] – Updating Standards

Consider if the City's existing ADU standards are sufficient for Milton's current needs.

ATTACHMENTS: Please refer to November and December 2019 Agenda Bills

→ Accessory Dwelling Units; Issues and Options. Source: mrsc.org website.

PURPOSE and INTENDED OUTCOMES OF TONIGHT'S AGENDA PACKET and DISCUSSION:

1. Continue beginning phase pf discussion
2. Have Commissioners present information summarizing the results of their research to date.
3. Define our next steps.

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Accessory Dwelling Units

Issues & Options

MRSC

Accessory Dwelling Units

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Foreword

In the 1940s and '50s, many American families rented out an extra apartment over their garages or in the basement of their homes as a way to earn some extra income to help with the mortgage payment or with other household expenses. In fact, backyard cottages and attic and basement apartments were a common feature in many communities across the country. Since then, as more communities have adopted restrictive residential zoning regulations, such apartments, technically known as accessory dwelling units (ADUs), have been either severely limited or banned altogether, usually in the name of protecting single-family neighborhoods.

Recently, however, perceptions and attitudes toward accessory dwelling units are once again beginning to change. Much of this transformation can be attributed to the effects of the affordable housing crisis. Demographic trends that have resulted in growing numbers of smaller households have also contributed to the increased interest in accessory dwelling units. In addition, new growth management laws are requiring many communities to plan for and accommodate higher housing densities. Against this backdrop, many communities in Washington have begun to reexamine the appropriateness of zoning regulations that severely limit or prohibit accessory dwelling units. For cities over 20,000 in population, the Washington Legislature has now mandated that accessory dwelling units be encouraged and allowed in single-family zones.

What are accessory dwelling units? How can they benefit your community? How can your community encourage accessory dwelling units in ways that protect existing neighborhood character? This publication is intended to help local policy-makers answer these and other questions as they consider accessory dwelling units in their communities.

Allowing accessory dwelling units in single-family neighborhoods is not a panacea for all of a community's housing problems. They should also be considered with a variety of other possible approaches for achieving your community's housing goals. For more information on the many other techniques available to promote affordable housing, see *Affordable Housing Techniques - A Primer for Local Government Officials*, Municipal Research & Services Center of Washington, April 1992.

Special acknowledgment is given to Byron Katsuyama, MRSC Public Policy Consultant, who prepared this report. Thanks also to Bob Meinig, MRSC Legal

Consultant, Sue Enger, MRSC Planning Consultant, for their review and comments, and to Holly Martin, MRSC Word Processing Specialist, for her assistance in format design and copy preparation.

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A. Model Accessory Dwelling Unit Ordinance Recommendations, Washington State Department of Community, Trade, and Economic Development, January 1994

B. Summary of Selected ADU Ordinances - Table

C. Sample ADU Permits and Forms

Bellevue

- Accessory Dwelling Unit Registration Application
- Accessory Dwelling Unit Code Compliance Inspection

Everett

- Accessory Dwelling Unit Covenant
- Accessory Dwelling Unit Owner's Certificate of Occupancy

Redmond

- Instructions for Filing Application - General Development Permit - Accessory Dwelling Unit
- Affidavit of Owner-Occupancy and On-Site Parking

Seattle

- Application to Establish an Accessory Dwelling Unit
- Notice of Issuance of a Permit for an Accessory Dwelling Unit
- Application to Legalize an Accessory Dwelling Unit

Tacoma

- Accessory Dwelling Unit Affidavit of Residency
- Accessory Dwelling Unit Concomitant Agreement

Introduction

Allowing the development of accessory dwelling units, or ADUs, in single-family homes is becoming an increasingly popular technique for creating low- and moderate-income housing for both homeowners and renters. Homeowners benefit from the additional rental income that they can use to pay part of their mortgage payment or to help with the upkeep on their homes. Renters benefit from the availability of moderately priced rental housing in single-family neighborhoods. The community benefits from the addition of affordable housing for little or no public expense.

ADUs are most commonly understood to be a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are usually subordinate in size, location, and appearance to the primary unit.

Attached units, contained within a single-family home, known variously as "mother-in-law apartments," "accessory apartments," or "second units," are the most common types of accessory dwelling units. Accessory apartments usually involve the renovation of a garage, basement, attached shed, or similar space in a single-family home.

Less common are detached "accessory cottages" or "echo homes" (an acronym for "elder cottage housing opportunities"), which are structurally independent from the primary residence. These units are often constructed or installed to provide housing for elderly parents being cared for by their adult children. Accessory cottages are permanent structures, while echo homes are temporary and movable. [*Accessory Units: An Increasing Source of Affordable Housing*, p. 5]

To reduce housing costs and meet changing market demands, pressures have increased in recent years to allow higher densities in urban areas, make more efficient use of existing housing stocks, and to eliminate regulatory barriers that unnecessarily limit affordable housing opportunities. Recent state legislation has underscored the need to review local housing needs and to plan for and take action to encourage the development of more affordable housing. Accessory dwelling units have emerged as an important component of the affordable housing strategies being carried out in many Washington cities.

The purpose of this report is to help local officials as they begin to consider proposals to allow ADUs in their communities. It is intended as a primer for city council and planning commission members on the potential of ADUs as a source of affordable housing and on the various regulatory issues and options that are likely to arise as ADUs are discussed. The report begins with a discussion of the reasons for the current interest in ADUs. It also reviews some benefits that ADUs can provide for homeowners, renters, and the community. The remaining sections focus on ADU policy issues and options, including a discussion of common zoning regulations. The report also includes sample ordinance language where applicable.

Appendix A contains the text of a model accessory dwelling unit ordinance developed by the state Department of Community, Trade, and Economic Development in consultation with the Affordable Housing Advisory Board (created by the 1993 Housing Policy Act). Appendix B contains a table summarizing selected ADU ordinance provisions from 10 Washington cities. Finally, Appendix C contains some sample ADU permits and forms.

Why the Interest in ADUs?

Three factors have spurred the recent interest in accessory dwelling units—the growing affordable housing crisis, changing demographics and recently adopted state growth management and housing policies.

The Affordable Housing Crisis

The need for more affordable housing is probably the single most important reason for the growing interest in accessory dwelling units. Several studies by both public and private housing groups have amply documented the nature and extent of the affordable housing crisis in Washington.[1] Many see ADUs, which use existing housing resources, as a simple and inexpensive way for communities to respond to the affordable housing crisis. ADUs typically cost 25 to 40 percent less to build than new, comparably-sized housing units since they do not require development of new land, and because construction costs are lower. Consequently, ADUs are usually much less expensive to rent.

Demographic Trends

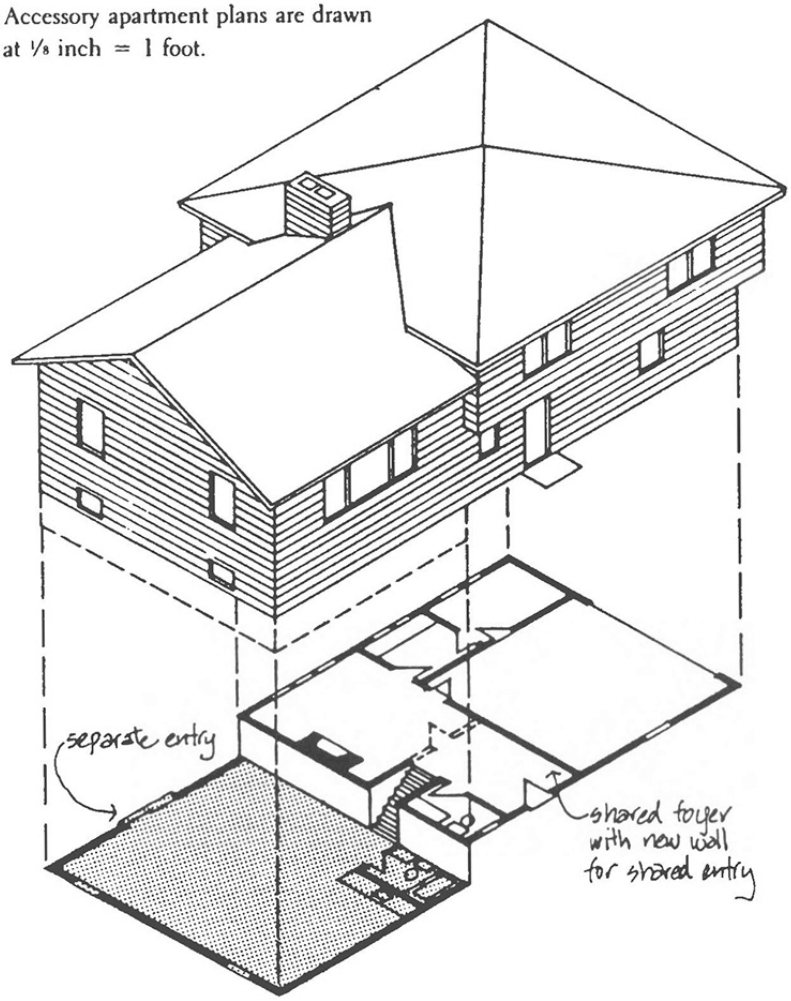
There is a growing need for smaller housing. In Washington, the average household size in 1960 was 3.09 persons. In 1990, it had declined to 2.53 persons. The decline in average household size has resulted from several factors, including a growing elderly population, increasing numbers of single-person households, decreasing family size preferences, and high divorce rates.

A growing elderly population has led to an increase in the proportion of households having only one or two persons. According to data from the 1990 census, households with one or more persons 65 and older, make up more than 21 percent of the households in Washington. Persons over 65 and living alone (mostly women) make

[1]For more on the affordable housing crisis in Washington see: *Closing the Gap: Housing Needs in Washington State*, by James L. McIntire and Stanislav Fritz, University of Washington, Graduate School of Public Affairs, Institute for Public Policy and Management, Seattle, WA, prepared for the Washington State Department of Community Development, December 1990; *The State of Washington 1992 Comprehensive Housing Affordability Strategy*, Washington State Department of Community Development, November 1991; and *Washington State Housing Needs and Market Trends: An Overview*, by Raj Joshi, et al., Washington State Department of Community Development, Olympia, WA, March 1989

up almost 9 percent of all households in the state. Many of the elderly live in homes that have surplus space, and, while most want to stay in their homes, they often do not need and, in some cases, can no longer take care of a large home. Adding an

Accessory apartment plans are drawn at ⅛ inch = 1 foot.

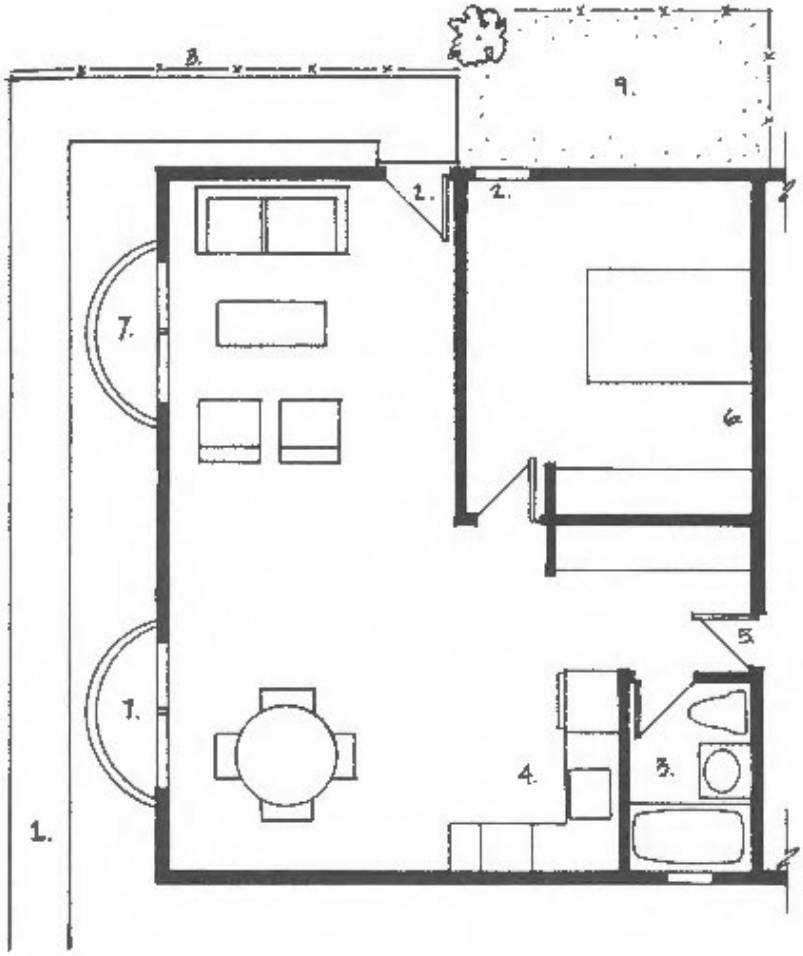


Split Level House - Lower Level Conversions

The lower levels of split level houses lend themselves to accessory apartments because they are easily separated from the Main House and often already have a bathroom or wet bar. A plan for a Rec Room conversion is shown on the opposite page. Entry may be shared through a common foyer, or separate, by creating a new entry for the lower level.

Creating an Accessory Apartment
Patrick H. Hare

ADU to their homes may allow many of these homeowners to remain in their homes for a longer time. [*Housing Affordability and Density: Regulatory Reform and Design Recommendations*, p.48]



Features: Split Level / Rec Room Conversions

1. New Path to Street.
2. Rec Room Sliding Door Replaced by Single Entry Door and Window for Bedroom.
3. Existing Bathroom.
4. Wet Bar Expanded to Full Kitchen.
5. New Soundproof Door to Main House.
6. Optional new Insulation in Stud Wall to Increase Acoustical Privacy Between Units.
7. Optional Window Wells for Larger Windows in Living and Dining Areas.
8. Fence to Screen Apartment from Back Yard.
9. Outdoor Area for Apartment.

Creating an Accessory Apartment
Patrick H. Hare

> ***These statistics indicate that much of our single-family housing is no longer being used primarily by families with children in residence. These trends call into question the emphasis that exclusive single-family zoning has traditionally placed on promoting a life-style built around female domesticity and childrearing. This emphasis may have made some sense sixty years ago, when almost two-thirds of the households living in single-family houses had children present. But today, when less than half of them do, it is questionable whether promoting homogeneous, family-oriented neighborhoods will produce better residential environments, or even whether is will bolster the family as an institution in contemporary society.***
>
> *Accessory Apartments in Single-Family Housing*
> Martin Gellen

Growing numbers of single-person households have also increased the demand for smaller housing. Households with single persons under 65 now make up almost 17% of the households in the state.

The number of single-parent households has also increased. A large part of the growth in the numbers of these households is due to continuing high divorce rates. Mothers with one or more children head the majority of single-parent households. This group of single-parent households now represents almost 7 percent of the total number of households in the state. For many single-parent households the only options available for housing may be apartments in large complexes that offer few amenities for families with children. [*Housing Affordability and Density: Regulatory Reform and Design Recommendations*, p.47]

A decrease in family-size preferences has also contributed to the trend toward smaller household size. Many young married couples today are waiting longer to have children and, when they do, are usually deciding to have fewer children than their parents. Many of these families do not need or cannot afford homes as large as the ones that they grew up in.

One consequence of these demographic changes has been a growing need and demand for smaller housing. Many single-parents, single-persons, and young families either cannot afford, or do not need, a large home for themselves or their families. At the same time, many parents of baby boomers are now empty-nesters who live in homes that were originally built to hold families of five or six. The decline in household size has left many of these empty-nesters and other homeowners with unused, surplus housing space.The coincidental increase in the demand for smaller homes and the presence of surplus housing space has led many communities

to consider ADUs as an efficient and low cost strategy for increasing affordable housing opportunities.

State Laws

While many cities in Washington have considered ordinances to allow ADUs in the past, the Washington Growth Management Act and, more recently, the Washington Housing Policy Act are now requiring cities to plan for and provide more affordable housing opportunities, including ADUs, in their communities.

State Growth Management Act. The state Growth Management Act (GMA), passed by the legislature in 1990, establishes an extensive planning and land use regulatory framework and requires the counties (and cities within those counties) with the greatest population growth to formulate, under guidelines in the Act, both a comprehensive plan and development regulations in conformance with the plan. Counties that are not required to plan under the GMA may elect to do so.

The GMA provides that communities in developing comprehensive plans should strive to "encourage the availability of affordable housing to all economic segments of the population" and to "promote a variety of residential densities and housing types, and encourage the preservation of existing housing stock." The Act also discourages the conversion of undeveloped land "into sprawling, low-density development." [RCW 36.70A.020]

Comprehensive plans developed under the GMA are required to have a separate housing element that includes:

- An inventory and analysis of existing and projected housing needs;
- A statement of goals and policies for housing preservation, improvement and development;
- Identification of sufficient land for housing, including government-assisted housing, housing for low-income families, mobile/manufactured housing, multifamily housing, and special needs housing; and
- A plan for meeting the housing needs of all economic segments of the community

[RCW 36.70A.070]

A 1991 amendment to the GMA adds a requirement for county-wide planning policies that must include, among other things,"policies that consider the need for

affordable housing for all economic segments of the population and parameters for its distribution." [RCW 36.70A.210(3)(e)]

Finally, the GMA specifically encourages the use of innovative land use management techniques to enhance affordable housing opportunities, including, "density bonuses, cluster housing, planned unit developments, and the transfer of development rights." [RCW 36.70A.090]

1993 Housing Policy Act. The Washington Housing Policy Act, passed by the legislature in 1993, establishes the goals of reducing housing costs and improving housing quality for people in all income groups. Encouraging the development and placement of ADUs in single-family homes was recognized as an important part of these goals.

The Act directs the state Department of Community, Trade, and Economic Development (DCTED), in consultation with the affordable housing advisory board created by the Act, to report to the legislature on the development and placement of accessory apartments. The Act also directs DCTED to make recommendations to the legislature "designed to encourage the development and placement of accessory apartments in areas zoned for single-family residential use." [RCW 43.63A.215(1)(b)] In response, DCTED, along with the affordable housing advisory board, developed a model accessory dwelling unit ordinance (see Appendix A).

The Act further requires that counties planning under the Growth Management Act and cities with populations of over 20,000 adopt ordinances by the end of 1994 that incorporate the accessory apartment recommendations developed by DCTED into their "development regulations, zoning regulations, or official controls." To allow some local flexibility, the recommendations are "subject to such regulations, conditions, procedures, and limitations as determined by the local legislative authority." [RCW 43.63A.215(3)]

Although the cities and counties subject to the Act's requirements probably must adopt ordinances to allow ADUs within single-family zones, the "local flexibility" provision appears to give legislative authorities some latitude to adapt DCTED's model ordinance recommendations to the needs and preferences of the local community. For example, while the model ordinance recommends that ADUs be allowed in either existing or new homes, some cities have decided to limit them to homes that are over a certain age so as to prohibit ADUs in new construction. Similarly, while the model ordinance recommends that ADUs be allowed as both attached and detached units, some communities have, due to local preferences or conditions, decided to limit ADUs to units that are attached to the primary residence. However, it is still unclear how far cities may depart from DCTED's recommendations and remain in compliance with the intent of the Act.

Many cities have already adopted ADU ordinances to comply with the Act, while others are currently in the process of doing so.

Benefits

ADUs can provide a surprising number of benefits to communities, homeowners and renters. Although much of the attention given to ADUs revolves around their potential for increasing the supply of affordable housing opportunities, ADUs may also help to address other social issues, particularly those relating to housing options for our growing elderly population.

Community Benefits

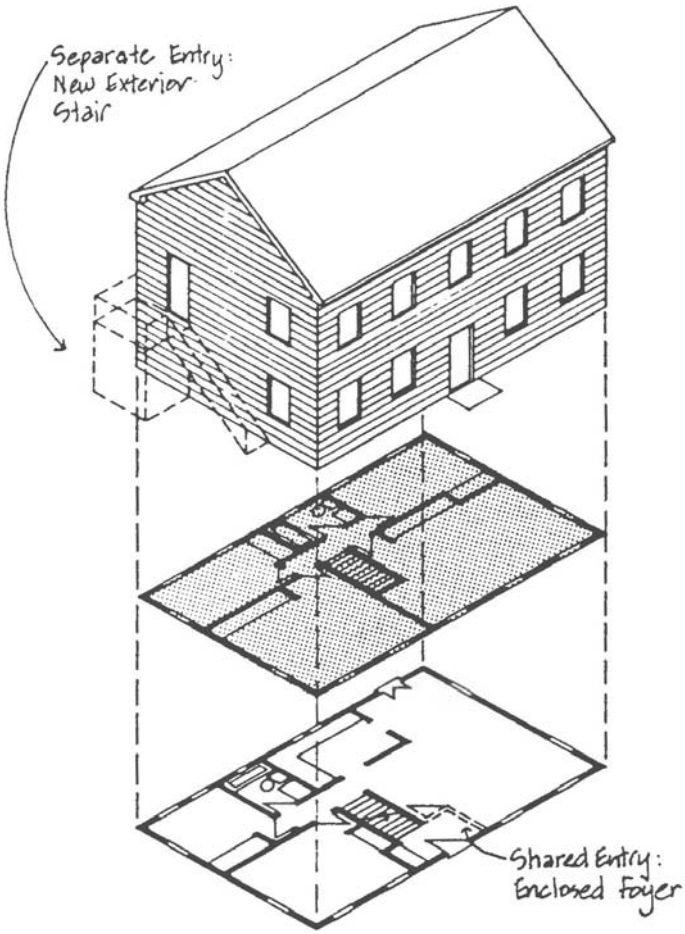
ADUs Can Help to Increase the Supply of Affordable Housing Without Government Subsidies. Allowing ADUs is one way that communities can provide more affordable housing opportunities without the necessity of local government expenditures or subsidies. This is a particularly good feature in view of the recent declines in federal support for the construction of new affordable housing units. When compared to the costs of constructing new government-subsidized apartments, the lower cost of converting existing units, which are paid for by the homeowner, will be an attractive option for most communities.

> ***If 1 in every 10 of America's owner-occupied single-family homes built before 1975 were to devote space to an accessory unit, 3.8 million rental units would be generated, increasing the supply of rental housing by about 10 percent.***
>
> *"Not In My Backyard": Removing Barriers to Affordable Housing*
> Advisory Commission on Regulatory Barriers to Affordable Housing, U.S. Department of Housing & Urban Development

ADUs also tend to be better integrated into the community, unlike other forms of affordable housing that may be concentrated in a few areas. In most communities this dispersion occurs without the necessity for government intervention. A few communities, however, have adopted provisions that limit concentrations of ADUs by controlling the number of conversions that may occur within a particular area.

ADUs add to affordability both from the perspective of potential tenants, for whom rents are usually cheaper than for market units, and from the perspective of

homeowners, who can use the rental income from an ADU to ease the burden of home mortgage and maintenance expenses.



Two Story House - Second Floor Conversions

Conversion of a second floor is another approach to creating an accessory apartment. A plan for a two bedroom apartment on the second floor is shown on the opposite page. The spaciousness of an entire floor permits a variety of layouts.

Entry may be through a shared foyer at the front door with the apartment accessed by the existing stair of the Main House. Alternatively, a new exterior stair may be provided.

Creating an Accessory Apartment
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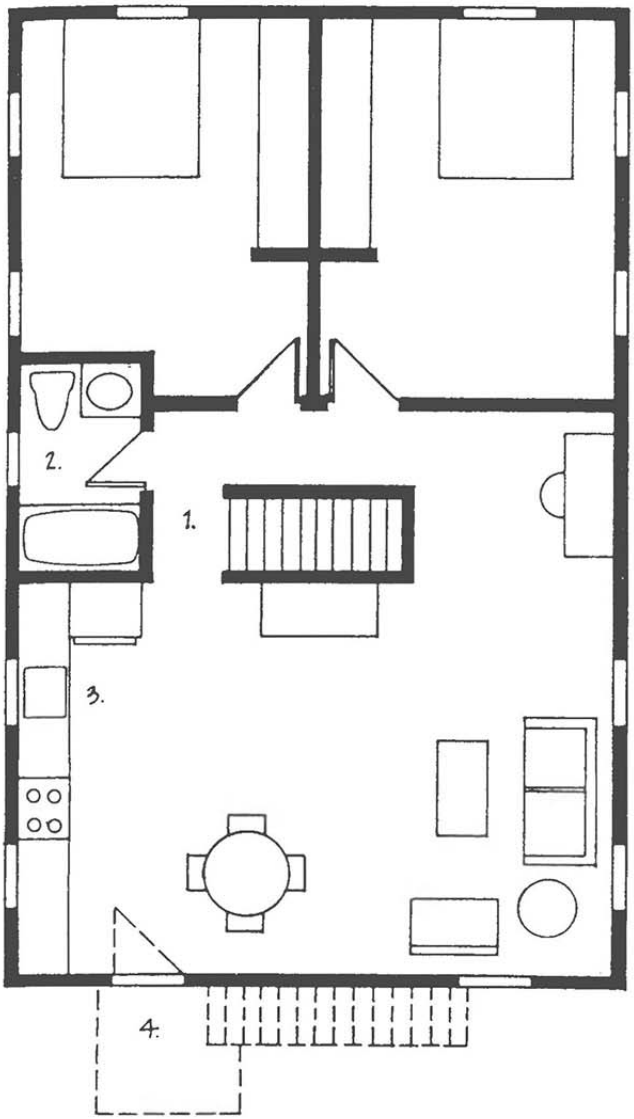
ADUs Encourage Efficient Use of Existing Housing Stocks and Infrastructure. Many homes built during the 40's, 50's, and 60's were designed to hold large (by today's standards) households. Demographic trends since those times have resulted



Features: Second Floor Conversions

1. Entry from Existing House Stair.
2. Existing Bathroom.
3. New Kitchen Sink near Existing Plumbing.
4. Alternate Entry Created by Construction of Exterior Stair. A new exterior stair could also be located on the back of the house.

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in lower fertility rates, a reduction in family size preferences, and smaller average household sizes. One consequence of these trends has been a widespread increase in the number of homes with surplus living space. [*Accessory Apartments in Single-Family Housing*, pp. 60-61]

Survey findings from the federal Housing and Urban Development Department's American Housing Survey show that 32 percent of all homes with five or more rooms are occupied by one- or two-person households. [*"Not In My Backyard": Removing Barriers to Affordable Housing*, p. 7-13] By using surplus space in single-family homes, ADUs promote more efficient use of the community's existing housing stock and supporting infrastructure.

ADUs Encourage Better Housing Maintenance and Neighborhood Stability. By allowing ADUs, communities can encourage better upkeep of the existing housing stock since homeowners can apply a portion of the income from their rental unit to maintaining their property. Homeowners can also exchange rent reductions for maintenance services by tenants.

ADUs also help to enhance neighborhood stability since they can provide homeowners (e.g., elderly homeowners on fixed incomes and single parents with low incomes) with the extra income they may need to remain in their homes for longer periods.

ADUs Can Help to Meet Growth Management Goals by Creating More Housing Opportunities Within Existing Urban Areas. A fundamental principle of the state Growth Management Act is to steer new growth to areas that are already urban or urbanizing. Using surplus space in existing housing is one way that communities can take action to meet regional growth management goals to conserve land, house more people within urban growth areas, and prevent more sprawl.

Homeowner Benefits

ADUs Make it Possible for Adult Children to Provide Care and Support to a Parent in a Semi-Independent Living Arrangement. Many baby boomers are now facing the prospect of having to arrange for the care and housing of their aging parents or other close relatives. By allowing ADUs, the community can give these families the option of providing for either live-in care in their parents' house or of having their parents move in with them. With an ADU in their home, adult children can care for an aging parent while retaining a semi-independent living arrangement both for themselves and their parents.

ADUs Can Provide Homeowners with Extra Income to Help Meet Rising Homeownership Costs. ADUs can provide many homeowners with needed additional income to meet high mortgage and maintenance costs. For a young family in their first home or for a single parent after a divorce, the additional income from

an ADU may spell the difference between being able and not being able to stay in their home.

The additional income from an ADU may be particularly helpful for many elderly homeowners who are living on fixed incomes. Contrary to popular notions, most elderly people do not move to retirement homes or senior citizen communities as they age. The vast majority actually age in place in single-family homes. Housing studies show that the single-family home is not only the most common form of housing for senior citizens, but it is also the type of housing most often preferred by them. [*Planning for and Aging Society*, p. 15] However, many elderly people on fixed incomes may find it difficult to stay in their homes in the face of rising costs for utilities, maintenance and property taxes. ADUs may allow some of these elderly homeowners to stay in their homes, even on fixed incomes, where the extra income from an ADU helps them to offset some of their living expenses.

ADUs Provide Homeowners with the Ability to Trade Rent Reductions for Needed Services. Homeowners may also offer lower rents to tenants in exchange for assistance in performing various household services. For some elderly homeowners, being able to exchange rent reductions for needed services could be a deciding factor enabling them to stay in their homes.

The ability to exchange reduced rents for services will also benefit many other groups of homeowners, including young families, single parents, and handicapped persons. For example, a mother with young children may rent an ADU to an elderly couple and make an arrangement for reduced rent in exchange for regular babysitting.

Tenants, of course, would also benefit from service exchange arrangements by having their rents reduced in return for performing various services.

> ***For owner-occupiers who live alone, for the widowed, retired, or infirm, or for young families with small children, the opportunity to exchange services with tenants next door offers substitutes for social supports that were provided by the extended family in earlier generations.***
>
> *Accessory Apartments in Single-Family Housing*
> Martin Gellen

ADUs Provide Increased Security and Companionship. Besides the financial benefits, many homeowners will also benefit from the security and companionship provided by having a tenant who lives close by. For an elderly person, concerns about injuries while they are home alone and fears about rising neighborhood crime

rates may be greatly reduced just by the fact of having someone else living under the same roof. The presence of a tenant may also enhance security while homeowners are out of town.

ADUs Can Help First-Time Buyers Qualify for Loans and Help Offset Mortgage Payments. For a single individual or a young family buying their first home, the presence of an ADU and its potential rental income may help them to qualify for a larger mortgage loan than they otherwise might get. After purchasing a home, the rental income from an ADU could help reduce the financial burden of a high mortgage payment. Young families could rent out an ADU until a time when their incomes have risen and they need more room. In this way ADUs allow families the flexibility to adjust the way they use their homes to suit changing life-cycle needs.

Tenant Benefits

Moderately-Priced Rental Housing. Studies have shown that ADUs rent for less than average market rent levels. Lower rents are possible primarily because ADUs do not require the development of new land and are cheaper to build than conventional rental units. [*Accessory Units: An Increasing Source of Affordable Housing*, p. 5] Homeowners are also less likely to charge market rents because of their interest in getting and keeping good tenants.

Lower rents for ADUs may make it easier for some tenants to save for a downpayment on a home of their own. Rising rents for multifamily housing have been cited as a major barrier to many prospective homebuyers who are having a more difficult time saving enough to make the required down payment on a new home.

ADUs Provide Affordable Rental Housing in Single-Family Neighborhoods. ADUs also offer housing opportunities in more desirable single-family neighborhoods for some who might not otherwise be able to afford to live there. For many single individuals, single parents, or others with modest incomes, the only other housing option available may be apartment complexes. Living in an ADU would give these households the opportunity to enjoy the amenities typically found in many single-family neighborhoods, including more privacy, a quieter environment, and less traffic congestion.

ADUs Increase Housing Opportunities for Handicapped People. Handicapped people often face limited opportunities for housing that can meet their special needs. ADUs can provide many handicapped individuals with the opportunity to live independently in their own home but close enough to others to provide needed assistance.

Regulatory Issues and Options

Accessory dwelling units do represent a controversial housing alternative in many communities. Therefore, it is important to carefully assess the local issues and options presented by ADUs. Ultimately, most communities will address ADUs through the adoption of zoning ordinances designed to regulate the conditions under which they will be allowed. However, there are several preliminary issues that policy-makers may want to consider before deciding what zoning regulations may be appropriate for ADUs. Among the more important questions to consider are:

- What are the community's housing goals and how will these affect the regulation of ADUs?
- What is the likely demand for ADUs in the community?
- What are the characteristics of the community's existing housing stock?

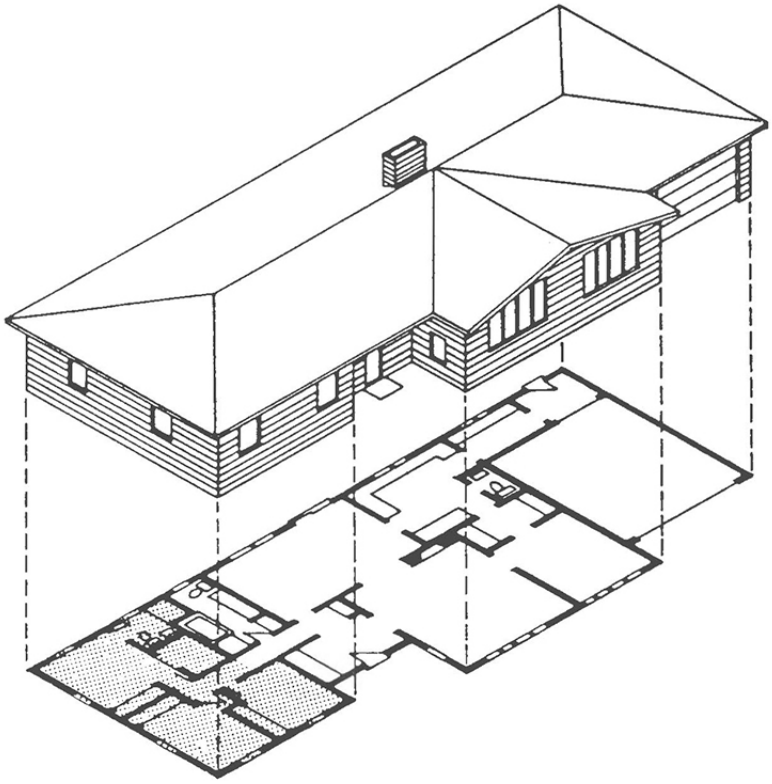
The answers to these questions will provide valuable information and insights that can assist and guide policy-makers in deciding the best course for the community.

Community Goals: Balancing Neighborhood Concerns with the Need for Affordable Housing

One of the first issues to consider is the community's housing goals. ADU regulations are likely to vary depending on the goals the community chooses to implement. The most common reasons cited for allowing ADUs are: (1) to expand the supply of affordable housing for both owners and renters in the community; (2) to provide a means for homeowners, particularly the elderly, to obtain extra income, security, companionship, and services; (3) to make more efficient use of existing housing stocks and infrastructure; and (4) to provide a mix of housing that responds to changing family needs.

From the perspective of some homeowners, however, ADUs may be viewed as a potential threat to the stability of single-family neighborhoods that should either not be allowed or, at least, closely controlled to avoid any potential negative impacts. For these homeowners, the most important goals may be to protect property values,

neighborhood stability, and to preserve the single-family character of community neighborhoods.



Ranch House - First Floor Conversions.

The sprawling wings of many one story houses can often be turned into accessory apartments. A plan for the conversion of the bedroom zone of this one level house is shown on the opposite page. This would require creating a new bedroom for the Main House which could be done by subdividing the Family Room. Conversion of the garage area would also be feasible.

Separate entries are easy to accomplish because both units are located at grade.

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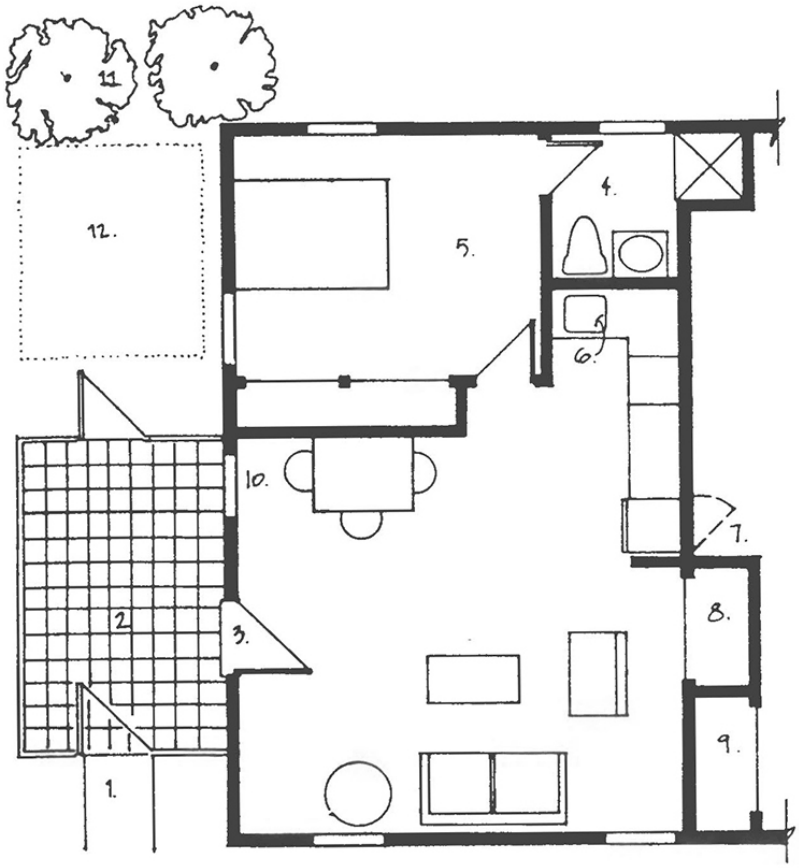
The challenge for policy-makers is to find the right balance between the community's need for more affordable housing and the desire to preserve the quality of residential



Features: First Floor Conversions

1. New Path to Street.
2. New Gate and Patio.
3. New Front Door Replaces Existing Window.
4. Existing Bathroom.
5. Bedroom Located Adjacent to Bath.
6. Kitchen Sink on Existing Plumbing Wall.
7. Soundproof Door to Main House (behind refrigerator).
8. New Closet for Acoustical Privacy Between Units.
9. Existing Coat Closet in Foyer of Main House.
10. Optional New Window at Dining Area.
11. Landscaping to Screen Apartment from Backyard.
12. Optional Gardening Area for Apartment.

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neighborhoods. There are many opportunities for communities to be creative in meeting this challenge.

The purpose of allowing ADUs is to:

1. ***Provide homeowners with a means of obtaining, through tenants in either the ADU or the principal unit, rental income, companionship, security, and services.***

2. ***Add affordable units to the existing housing.***

3. ***Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the (city/county).***

4. ***Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.***

5. ***Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this Ordinance.***

Model Accessory Dwelling Unit Ordinance
Washington State Department of Community, Trade, and Economic Development

Neighborhood Concerns

Opposition to accessory units usually arises from neighborhood concerns about the perceived impacts of ADUs with respect to such issues as property values, density, changes in neighborhood appearance, and increased parking and traffic congestion. In response to these concerns, many communities have adopted regulations designed to deal with such issues as the size of units, their exterior appearance, off-street parking, and their concentration in neighborhoods. The general intent of these types of regulations is to calm neighborhood fears by controlling the number of conversions, minimizing neighborhood change, and upholding prevailing standards.

Homeowner Needs

ADU proponents point out the importance of reducing regulatory obstacles and argue that, if controls are too restrictive, some homeowners will be unwilling or unable to add an ADU. Such regulations might include undue cost-generating requirements, overly-burdensome parking regulations, or restrictions on who will be allowed to live in ADUs. Supporters also argue against cumbersome review procedures, particularly those that may involve public hearings. They point out that many homeowners,particularly the elderly, may be intimidated by and unwilling to go through a lengthy public review process.

Need and Demand for ADUs - How Many Units Will be Built?

Another issue that bears some consideration before zoning regulations can be adopted is the current need and demand for rental units in general and ADUs in particular. As part of their growth management planning, many communities in Washington are already required to conduct a housing needs assessment that includes an inventory of existing housing stocks and an analysis of housing needs. This type of information can also help policy-makers in evaluating zoning alternatives for ADUs. For example, the existence of low rental vacancy rates may suggest that there is a high potential demand for additional rental units, including ADUs. High vacancy rates also serve to reduce the risk for homeowners who want to install an ADU.

Although this information may be more difficult to collect, some estimate of the number of existing accessory apartments in the community will also be useful to policy-makers. The presence of many illegal units would be one indication of the demand for this housing option. [*Accessory Apartments in Single-Family Housing*, 1985]

Another question that usually comes up in discussions of ADUs concerns the number of units that are likely to be built. The answer to this question will vary for each community and is related to such factors as current vacancy rates, housing characteristics, and the restrictiveness of the community's zoning regulations. Opponents often worry that legalizing ADUs will lead to a flood of applications and conversions resulting in too many units. In response to these concerns, some communities have adopted regulations that attempt to limit, either directly or indirectly, the number of ADUs that can be installed in the community. By all accounts, however, the experience of other communities that have legalized ADUs seems to indicate that the actual number of conversions is likely to be relatively low. One national survey involving 47 communities suggests that communities with "favorable" zoning can expect to get approximately one ADU per 1,000 single family homes per year. [*Accessory Units: An Increasing Source of Affordable Housing*, pp. 5-6]

Know Your Housing Stock

Policy-makers should also have some familiarity with the makeup and composition of the community's existing housing stock, including any evidence of current or projected surplus space in single-family housing. Information on home and household size will be available from census data on housing. Current census statistics reveal that many people are living in homes that have surplus space. A high percentage of homes with extra habitable space may be another indicator of the potential for ADU conversions in the community.

Keys to Success

Achievable standards, fast track processing for units meeting standards, and sensitivity to compatibility within existing neighborhoods are all techniques to encourage second unit development.

Develop specific performance standards dealing with such issues as minimum lot size, maximum unit size, parking standards, setback and height requirements.

Limits on the maximum number of units within a neighborhood, requirements for owner occupancy, and high parking requirements may be necessary to ameliorate community concerns, but they may deter construction of second units.

If second unit approvals can be made without a conditional use permit or other action requiring public hearing, property owners will find it less burdensome to add second units.

Financial or technical assistance can encourage second unit development and improve their affordability.

Allow for the legalizing and upgrading of existing units so as to conform with health and safety requirements. This can be encouraged by establishing building code requirements to achieve minimum health and safety requirements and by streamlining the conformance process.

Blueprint for Bay Area Housing
Association of Bay Area Governments, et al.

Also, are existing homes in the community of a type that are easily converted? Split level, Cape Cod, and ranch style houses may be good candidates for conversion, while many smaller bungalow style homes may not. Other home features that may lend themselves to adding an ADU include: detached garages, daylight basements, two-story homes, larger homes, and alley access. The relative ease of conversion of the predominant housing types in the community will also have an impact on the potential for ADU conversions.

Again, information of this type can help policy-makers in evaluating the appropriateness of proposed regulatory options.

The remaining sections contain a review of zoning provisions that have been proposed and in many cases adopted to regulate ADU conversions in single-family districts. Each section contains a discussion of the rationale for the regulation together with sample ordinance provisions. For a comparison of ADU zoning regulations adopted by a sample of 10 Washington cities, see Appendix II.

Zoning Regulations for ADUs - Issues and Options

Definitions

Most zoning ordinances contain some definition of the term "accessory dwelling unit," which may also be called an "accessory apartment," "accessory living unit," "accessory cottage," or a similar term. A good definition is important to provide a common understanding of the term and may also be useful to establish basic requirements and limitations. ADUs are most commonly defined as a self-contained living unit created within or detached from a single-family dwelling. Many ordinances also highlight the existence of separate cooking, sleeping, and sanitation facilities as distinguishing ADU features.

> *An accessory dwelling unit (ADU) is a habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.* [Sec. 19.04.0607(B), Mercer Island Municipal Code]

Note that the above definition includes units that are either "added to, created within, or detached from" a single-family dwelling, which indicates that both attached and detached units are allowed. Some communities, however, have decided to limit ADUs only to units attached to the main residence. ADUs in these communities may be defined in a way that excludes detached units.

> *"Accessory dwelling unit" means a subordinate dwelling unit incorporated within a single family structure. Accessory units may not be subdivided or otherwise segregated in ownership from the primary residence structure.* [Sec. 20.20.120(A)(1), Bellevue City Code]

The term "accessory" in "accessory dwelling unit" denotes a use that, under zoning regulations, is commonly understood to be one that is subordinate in size, location, and function to the principal unit. Communities that wish to underscore this point may also choose to highlight the subordinate or secondary nature of ADUs in their definition.

> *Accessory Dwelling Unit: A second subordinate dwelling unit added to or created within a single-family dwelling ... with a provision for independent cooking, living, sanitation, and sleeping.* [Sec. 13.06.010(1)(c), Tacoma Municipal Code]

Review and Approval Procedures

ADUs are typically regulated either as a permitted use, with an administrative review, or as a conditional use, subject to a public hearing requirement.

ADUs that are regulated as a permitted use are usually allowed "as-of-right," if all applicable zoning and building code requirements are met. The approval process normally involves some type of administrative review and an inspection of the premises to ensure compliance with ordinance requirements. Under an administrative review process, the ADU permit is issued if the applicant meets the development standards without the necessity of a public hearing. The permitted use approach offers the advantage of administrative simplicity and is less intimidating for homeowners who want to install an ADU but who may be reluctant to go through a public hearing review.

> *The installation of an ADU in new and existing single-family dwellings (hereinafter principal units) shall be allowed in single-family zones subject to specific development, design, and owner-occupancy standards.* [DCTED Model Accessory Dwelling Unit Ordinance]

Conditional use procedures are usually more rigorous and often add a neighborhood notice and public hearing requirement to the review process. Conditional use permit procedures have the advantage of providing for a case-by-case review of ADU applications, which may allow a more tailored response to problems.

ADU proponents argue that requirements for conditional use permits and public hearings are too cumbersome and intimidating and will present too much of a barrier to those who might otherwise benefit from this housing alternative. They argue that requirement may actually encourage the installation of more illegal units.

As an alternative procedure, some communities provide for an exemption from the public hearing requirement if, after notification of the property owners within a certain distance from the applicant's property, the planning department receives no requests for a hearing. This approach has the advantage of avoiding unnecessary hearing expenses in cases where neighborhood residents are more accepting of ADUs. It also spares homeowners from the burden of having to comply with a significant regulatory hurdle. [*Model Zoning*, p. 4]

Even when no public hearing is required, some communities require that a notice be sent to residents within a certain distance of the proposed ADU, either before approval to allow residents an opportunity to comment on the permit, or after the approval has been issued, to notify them about the ADU and the requirements of the ordinance. A notice to neighborhood residents lets them know what to expect and what their enforcement options are if problems arise. In some communities, the inclusion of public notice provisions may be necessary to satisfy the concerns of opponents.

> *After approval, the Director shall provide notice of the registration of the accessory unit to owners of property within 200' of the registered site. The notice shall state that the unit complies with the standards of this section, shall describe the requirements for maintaining the unit, and shall explain how to obtain general information and how to request inspections.* [Bellevue Ordinance No. 4498]

The current trend among Washington cities that have recently adopted ADU ordinances has been toward a permitted use approach that allows ADUs in single-family zones subject to various development standards designed to preserve neighborhood character and appearance.

Owner-Occupancy Requirements

A common apprehension of opponents is that ADUs may harm neighborhood character if they are not properly maintained by owners and/or renters. Opponents also express concern that too many ADUs may be created if individual speculators can purchase or develop multiple homes with ADUs. In response, many communities require that the homeowner must occupy either the principal or the accessory unit. The expectation is that homeowners will be more likely to maintain the property if they also live there. Also, by limiting ADUs to owner-occupied homes, individual speculators are effectively prevented from building multiple units.

> *The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence, but not both, . . . and at no time receive rent for the owner-occupied unit.* [DCTED Model Accessory Dwelling Unit Ordinance]

> *'Owner occupancy' means a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means ....* [Ch. 20.20.120(A)(3), Bellevue Municipal Code]

Owner-occupancy requirements are also thought to have the added benefit of ensuring better tenant management, since resident owners will be more likely to enforce appropriate behavior standards.

Where the community does not intend to require that homeowners must occupy the principal unit, it may be useful to clarify in the ordinance that the they can live in either unit. Many homeowners, particular the elderly, who no longer need the space or who wish to avoid the burden of caring for the larger unit, may want the option of living in the smaller unit. [*Accessory Apartments - Using Surplus Space in Single-Family Houses*, p. 6]

Communities that adopt owner-occupancy restrictions may also want to include a provision that exempts temporary absences to allow some flexibility for homeowners while still requiring that the home be maintained as their principal residence.

> *One (1) of the dwelling units in the structure shall be occupied by one or more owners of the property as the owner's(s') permanent and principal residence; provided that the Director may waive this requirement for temporary absences of less than one (1) year, where the accessory unit has been a permitted use for at least two (2) years and the owner submits proof of absence from the Puget Sound region.* [Sec. 23.44.025(A)(2), Seattle Municipal Code]

To ensure compliance, some communities require that homeowners sign an affidavit affirming that they will occupy either the primary or accessory residence.

> *Affidavit. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the ADU ....* [Sec. 13.06.196(B)(3), Tacoma Municipal Code]

For added insurance that owner-occupancy requirements will continue to be met, some communities provide for termination of an ADU permit upon the sale of the property and require new owners to re-register.

> *Upon sale of the property, a new owner shall be required to sign a new affidavit and to register the ADU, paying a reauthorization fee of $100 ....* [Sec.13.06.196(B)(2), Tacoma Municipal Code]

Some ordinances require that the owner occupancy requirement be recorded as a deed restriction to put prospective buyers on notice of the prohibition against renting out both units. Whenever there is a transfer of ownership of the property, the title search turns up the document noting the regulation. See "Recording Requirements" on page 49.

In addition to the requirement that homes with ADUs must be owner-occupied, some communities also require that owners must have lived in their homes for a certain number of years before they can install an ADU. See "Length of Residence" on page 48.

ADU/Principal Residence Size Regulations

ADU ordinances often contain provisions regulating the size of ADUs and/or the principal unit. Size limits for ADUs are expressed either in absolute terms or some percentage of the principal unit (usually in the range of 20% to 40%). Size regulations may specify minimum and/or maximum sizes for the ADU or the primary residence. Some ordinances also regulate size by specifying a maximum number of bedrooms (e.g., two bedrooms) allowed in an ADU.

> *In no case shall an ADU be more than 40 percent of the building's total floor area, nor more than 800 square feet, nor less than 300 square feet, nor have more than 2 bedrooms, unless in the opinion of the (building official), a greater or lesser amount of floor area is warranted by the circumstances of the particular building.* [DCTED Model Accessory Dwelling Unit Ordinance]

Size limitations serve several purposes. Most often they are designed to ensure that ADUs remain subordinate in size to the primary residence (percentage based limits, in particular, are designed to ensure that an ADU remains subordinate regardless of home size). They are also intended to control neighborhood density, the assumption being that controls on the size of ADUs will also tend to limit the number of tenants who can live in an ADU. Size limits are also aimed at minimizing visual impacts of additions or alterations to the residence.

> *The ADU, excluding any garage area and other non-living areas such as workshops or greenhouses, shall not exceed 33 percent of the total square footage of the main building and the ADU combined after modification. The ADU shall not contain less than 300 square feet or more than 800 square feet.* [Tacoma Ordinance No. 25624]

Note that the size limitations in the above provision, which are relatively permissive, effectively require a minimum home size of 900 square feet in order to install a minimum-sized 300 square foot ADU. ADU proponents caution that a size limit based on a ratio between the primary unit and the ADU should be small enough to keep ADUs subordinate to the primary unit, but not so small as to require a large house to establish a viable ADU. Since house size and income are often related, a

minimum home size requirement that is too restrictive could eliminate some homeowners who might benefit most from the opportunity to install an ADU.

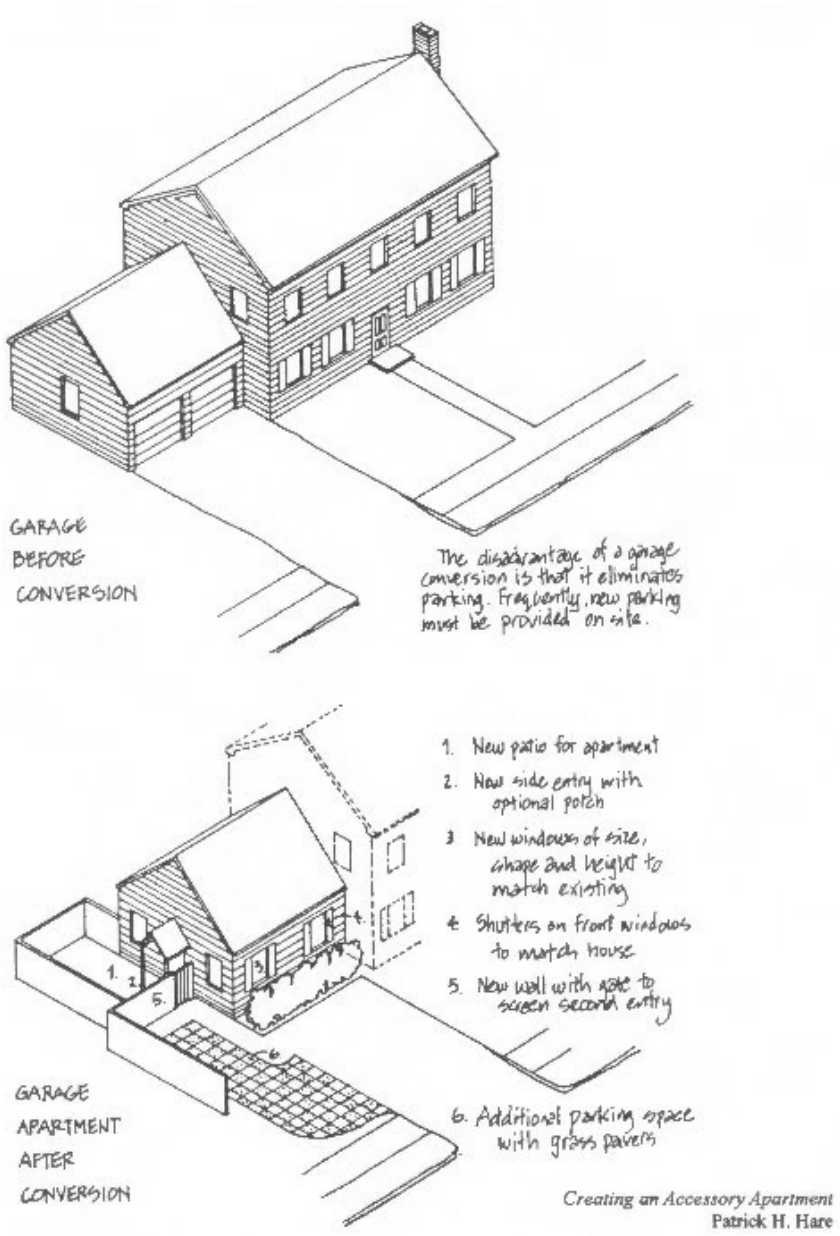
If minimum/maximum size requirements are adopted, it may be helpful to give some discretion to the reviewing agency to modify requirements in cases where strict adherence would be impractical or uneconomical. For example, many two-story homes may be most economically converted by installing an ADU on the bottom floor which may take up half or nearly half of the entire space available. Or an ordinance may provide exemptions for the use of basement or attic space that are more than the specified maximums.

> *The accessory dwelling unit shall contain not less than 300 square feet and not more than 800 square feet, excluding any related garage area; provided, if the accessory unit is completely located on a single floor, the Director may allow increased size in order to efficiently use all floor area, so long as all other standards set forth in this section are met.* [Bellevue Ordinance No. 4498]

Some ordinances do not contain specific size requirements but rely instead on applicable zoning, health, housing and building codes that regulate general height, set-back and lot coverage, and establish minimum space requirements for habitation.

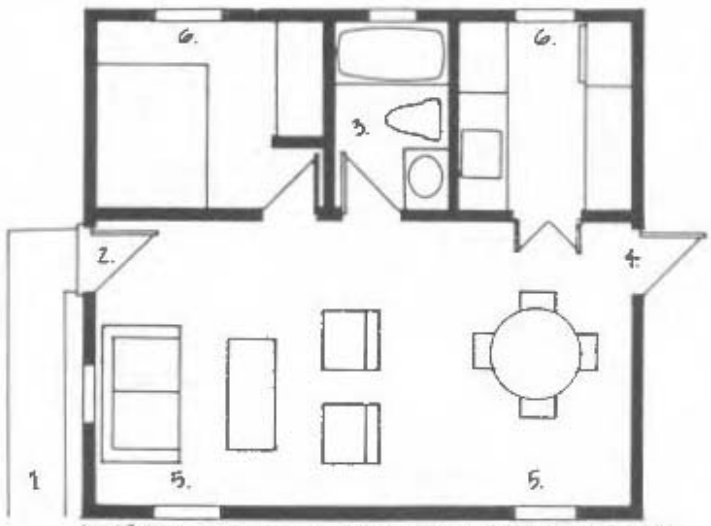
Attached Or Detached?

One question that the community must answer is whether to allow detached ADUs. Some cities have limited ADUs to attached units to reduce the visual impact and to preserve the single-family character of neighborhoods. When made a



Creating an Accessory Apartment
Patrick H. Hare

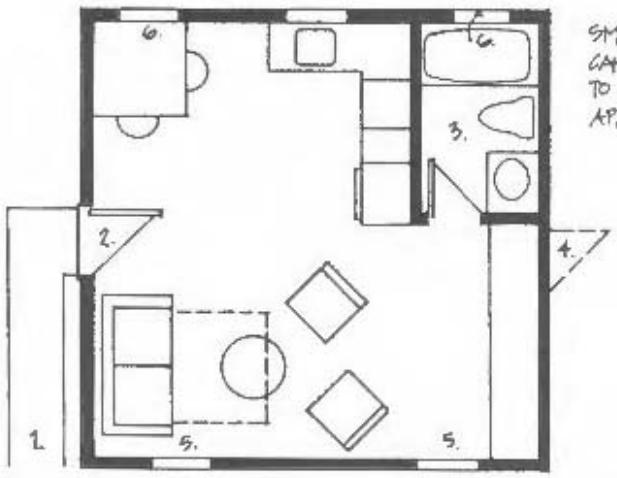
part of the main house an attached unit is kept as a subordinate use and does not give the impression of two separate houses on a single-family lot. Where average lot sizes are very small throughout the community, this may be an appropriate restriction.



LARGE GARAGES CAN BE CONVERTED TO ONE BEDROOM APARTMENTS.

Features: Garage Conversions

1. New Path to Street.
2. New Front Door Replaces Existing Window.
3. Bath and Kitchen Located near Main House to Minimize New Plumbing.
4. Existing Door to Main House (can be retained or blocked off).
5. New Wall and Windows Replace Garage Doors.
6. New Windows.



SMALL GARAGES CAN BE CONVERTED TO EFFICIENCY APARTMENTS.

Creating an Accessory Apartment
Patrick H. Hare

> *Location: Accessory dwelling units shall not be permitted in structures detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops. [Bellevue Ordinance No. 4498]*

Detached units are less frequently allowed in zoning codes and are generally more expensive to build than an attached unit. While they are more visible as detached units, where they are permitted, they are usually required to be located in the rear yard area to minimize the visual impact of two separate residences. [*Accessory Units: An Increasing Sources of Affordable Housing*, p. 5] In many cases, a detached residence may provide a better living arrangement for those who want an ADU but who do not wish to have someone else living in the same physical structure. Even on relatively small lots, a unit may be successfully installed in a previously existing detached garage or similar structure.

> *The ADU may be attached to, or detached from, the principal unit.* [DCTED Model Accessory Dwelling Unit Ordinance]

Some communities allow detached ADUs only on larger lots.

> *7.a. Accessory dwelling units: ...*
>
> *(2) Only in the same building as the principal residence unless the lot is at least 10,000 square feet in area and the allowable density of the zone is not exceeded.* [Sec. 21A.08.030(B), King County Zoning Code]

ADU Occupant Restrictions

Some ordinances, particularly those adopted 10 or more years ago, contain restrictions on who may live in an ADU. These ordinances typically provide that tenants must be a certain minimum age, usually 60 or 65, and/or that tenants be related to the owner. Ordinances may also specify that tenants be limited to employees of the homeowner or have some other special relationship (e.g., providing in-home care or assistance) to the homeowner. Typically, these types of restrictions are intended to allow residents to install an ADU for the limited purpose of providing in-home care to aging parents while maintaining separate living areas. Ordinance restrictions that limit the age of tenants or that require that the tenant be related to the homeowner are intended to preserve the "family character" of neighborhoods and to keep the number of conversions low, while still allowing them for the purpose of dealing with special family needs.

> *Occupancy of the accessory or principal unit is limited to family members related by blood, marriage, or adoption, or persons providing nursing or domiciliary care of assistance to the owner in exchange for lodging.* [Sec. 11.19.3210(B)(3), Spokane Municipal Code]

ADU proponents argue that restrictions based on the age or familial status of tenants may discourage some homeowners from installing an ADU because of the risk of losing their investment in the event that their tenant moves away or dies. Because of the tenant restrictions, homeowners may have difficulty finding another renter who meets the ordinance's requirements. [*Accessory Apartments - Using Surplus Space in Single-Family Houses*, p. 13]

Restrictions on the age of tenants and their relationship to homeowners may also be difficult to enforce. When relatives die or move away, homeowners will be left with an empty and unusable apartment and may be tempted to fill the vacancy in violation of the ordinance. Without adopting a cumbersome enforcement procedure and in the absence of neighbor complaints, it may be difficult for communities to keep tabs on the status of ADU tenants.

As more communities have come to view ADUs as an important means of providing affordable housing alternatives, these types of restrictions, which limit opportunities to install ADUs to relatively few homeowners, have become less common. Few of the ordinances reviewed for this report contained restrictions of this type.

Number of Occupants

Limits on the numbers of occupants in homes with ADUs are designed to control overcrowding in homes with ADUs and increased neighborhood density, as well as related parking and traffic impacts.

Some communities limit the aggregate number of persons that may occupy both the ADU and primary unit to the number allowed in the house without the rental unit. [*Accessory Apartments - Using Surplus Space in Single-Family Houses*, p. 8] In theory, under this restriction, the density, parking, and traffic impacts resulting from ADU conversions should be no greater than those from a single-family structure without an ADU. Ordinances may also refer to provisions in the zoning code defining "family" that generally contain limitations on the numbers of related and/or unrelated persons who can live in a single residence.

> *The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in Section 20.50.020.* [Sec. 20.20.120(B)(2), Bellevue Land Use Code]

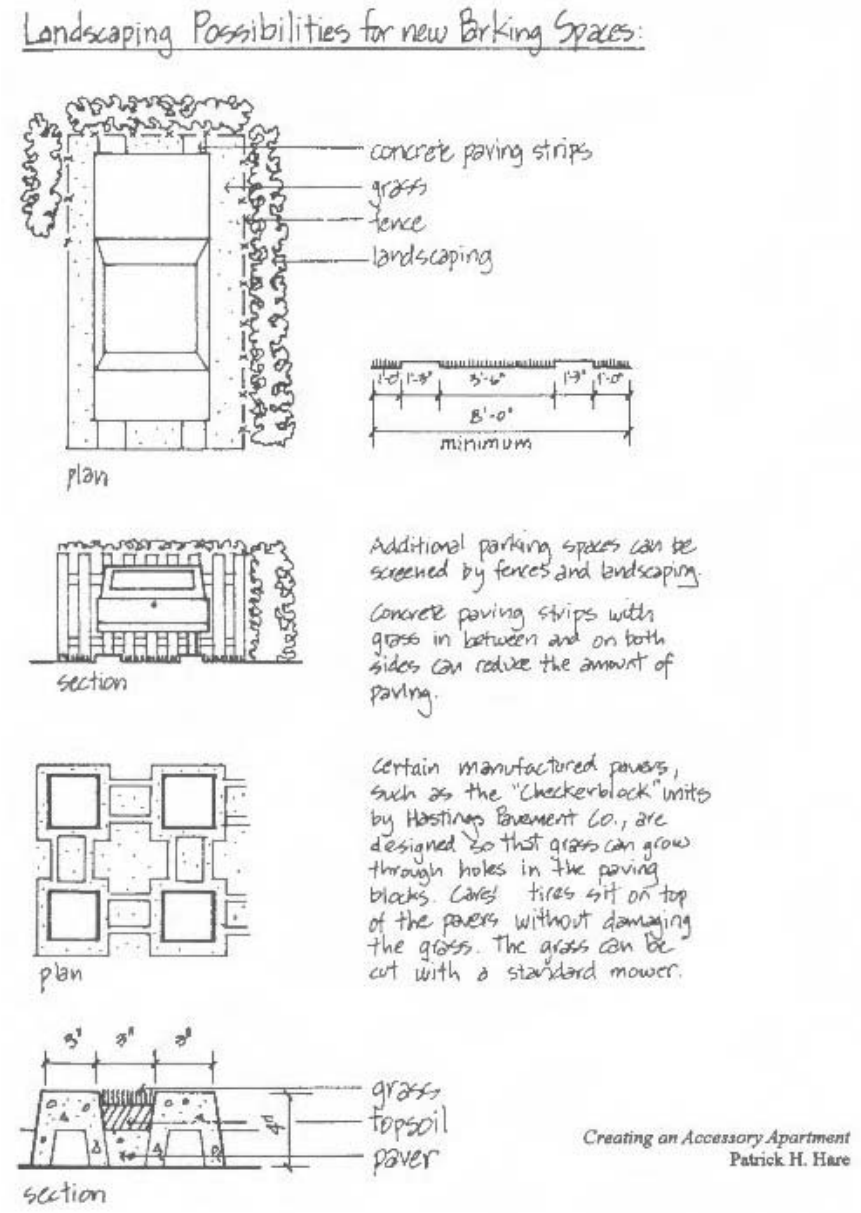
> *Any number of related persons may occupy each unit in a single-family residence with an accessory dwelling unit provided that if unrelated persons occupy either unit, the total number of persons occupying both units together may not exceed eight (8).* [Sec. 23.44.025(A)(3), Seattle Municipal Code]

Some ordinances place specific limitations on the occupancy of ADUs based on the size of the unit. This type of occupancy limitation is more sensitive to individual variations in the size of ADUs.

> *Occupancy. Occupancy shall be limited to the following: No more than two persons in a unit of 300-400 square feet, no more than three persons in a unit ranging from 401-600 square feet, and no more than four persons in a unit ranging from 601-800 square feet.* [Sec. 13.06.196(C)(2), Tacoma Municipal Code]

Parking Requirements

The potential for parking problems generated by the installation of ADUs is one of the most common concerns expressed by residents. Neighborhood groups are generally opposed to any increases in on-street parking, particularly in areas where competition for existing parking is already a problem, or in neighborhoods where



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prevailing aesthetic standards make on-street parking less acceptable. Many communities have addressed this issue by requiring a certain number of off-street parking spaces for homes with ADUs. Off-street parking requirements typically range from one to one and one-half off-street spaces per ADU. [*Accessory Apartments - Using Surplus Space in Single-Family Houses*, p. 14].

Whether parking will become a problem depends to a great extent on current neighborhood standards and the perceptions of residents about existing parking problems. In some neighborhoods, on-street parking is a common practice and may therefore be more acceptable, while in others, off-street parking in garages is the more common rule. Varying neighborhood standards may suggest the need for a response that is more tailored (e.g., based on performance standards rather than specific parking requirements) to the particular needs of each neighborhood. [*Accessory Apartments in Single-Family Housing*, p. 172]

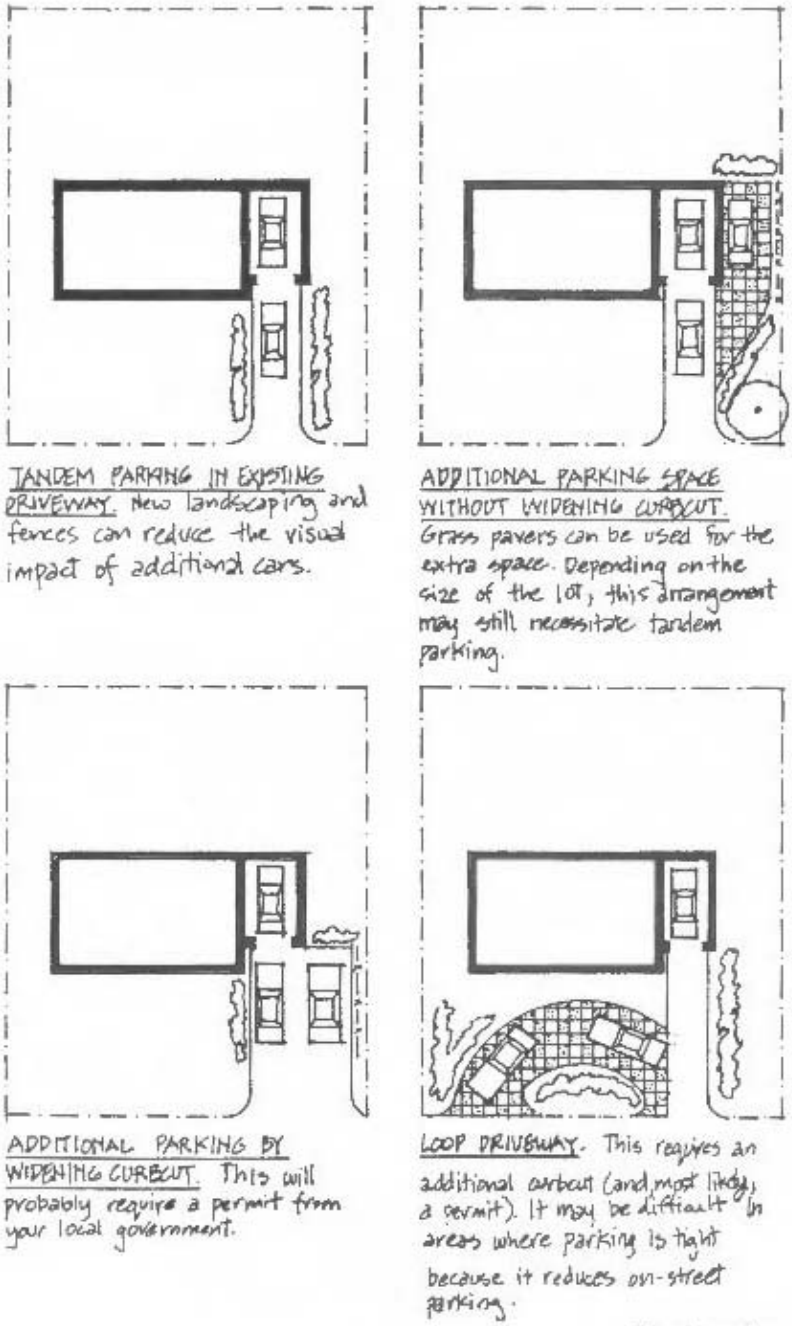
Once the community decides to require off-street parking for ADUs, the next question is where such spaces will be allowed. One concern expressed by neighborhood groups is that additional off-street parking be provided in a way that will not detract from the neighborhood's low-density, single-family character. Solutions might include restrictions on parking in front yard areas or landscaping requirements to limit visual impacts.

> *Parking. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the main building....Such parking must be provided in the rear of the lot where adequate access is available. Adequate access shall be defined as a dedicated street or alley with a minimum gravel surface.* [Tacoma Ordinance No. 25624]
>
> *One off-street parking space, in addition to that which is required by the Ordinance for the underlying zone, shall be provided or as many spaces deemed necessary by the (building official) to accommodate the actual number of vehicles used by occupants of both the primary dwelling and the ADU. Parking spaces include garages, carports, or off-street areas reserved for vehicles.* [DCTED Model Accessory Dwelling Unit Ordinance]

Some communities allow homeowners to use tandem parking (one car behind the other) as a less costly alternative for satisfying requirements for off-street parking.

> *A minimum of two (2) off-street parking spaces shall be provided, which spaces may be in tandem. The Director may waive the requirement for one (1) or both of the spaces if topography or existing structures makes provision of one (1) or both of the parking spaces unduly burdensome and adequate parking capacity exists. [Sec. 23.44.025(A)(7), Seattle Municipal Code]*

Proponents point out that in many instances single-family homes without ADUs could generate just as much traffic and demand for parking as a home with an ADU, particularly in homes with teenage children. They point out that ADUs are often in the homes of "empty nesters," single parents, and single residents, who tend to have fewer cars. Meeting requirements for additional parking spaces could be an expensive proposition for some homeowners and may discourage them from installing an ADU.



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Design/Appearance Standards

Provisions that govern the design and appearance of homes with ADUs are intended primarily to preserve the visual and single-family character of neighborhoods. Many ordinances contain conditions limiting certain exterior modifications of homes with ADUs. These may include limitations on additions that increase the size of the home, restrictions on the location of entrances and exterior stairs, and other design guidelines. [*Accessory Apartments - Using Surplus Space in Single-Family Houses*, p. 16]

> *The creation of an accessory living unit is subject to the following requirements: ... (5) Any additions to an existing structure for the purpose of the accessory unit do not increase the square footage of the structure by more than ten percent.* [Sec. 11.19.3210(B)(5), Spokane Municipal Code]

While some ordinances contain specific square foot limits on expansions, others simply rely on existing setback and lot coverage requirements to control the size of additions.

> *Any additions to an existing building shall not exceed the allowable lot coverage or encroach into the existing setbacks.* [DCTED Model Accessory Dwelling Unit Ordinance]

Some communities prohibit any increase in home size to accommodate an ADU. Restrictions of this type are intended to minimize any changes to the exterior appearance of homes with ADUs.

> *Single-family conversions may only be installed within existing structures, whether primary or accessory structures, subject to the following conditions:*
> ...
>
> *4. No additions to the existing floor area are necessary as a part of the conversion.* [Sec. 18.42.010(D), Tumwater Municipal Code]

Proponents point out that restrictions on the size of additions may not be either necessary or effective. The high cost of remodeling may be just as effective at limiting large new additions to accommodate ADUs. Additionally, it may be easy

for homeowners to avoid this type of restriction simply by adding space at one time to be later converted into an ADU. [*Model Zoning*, p. 15]

In an attempt to discourage homeowners from circumventing size limitations, some communities prohibit the installation of ADUs in homes that have recently added on space. This type of restriction also seeks to encourage the use of existing surplus space, rather than new additions that increase density, to accommodate ADUs.

> *Single-family conversions may only be installed within existing structures, whether primary or accessory structures, subject to the following conditions:*
> ...
>
> *3. Where no additional floor area has been added in the preceding two years; and* [Sec. 18.42.010(D), Tumwater Municipal Code]

Many of the appearance and design standards applied to homes with ADUs are concerned with those portions of the home that can be seen from the street. One of the most common provisions prohibits the creation of additional front entrances. Communities typically require that entrances to ADUs be located on either the rear or side of the home.

> *Only one (1) entrance may be located on each front or street side of the residence* ... [Sec. 23.44.025(A)(6), Seattle Municipal Code]
>
> *The primary entrance to the ADU shall be located in such a manner as to be unobtrusive from the same view of the building which encompasses the entrance to the principal unit.* [DCTED Model Accessory Dwelling Unit Ordinance]

The installation and/or location of exterior stairs is also likely to be restricted to rear or side yard locations or prohibited altogether.

Many communities also include a stipulation in their ordinance that any modifications to the exterior of the home should conform to the original design characteristics and style of the home.

> *When reviewing a conditional use request for an accessory apartment, the hearing examiner shall consider the following guidelines: . . . 3. The design of the accessory apartment is incorporated into the primary unit's design with matching materials, colors, window style and roof design.* [Sec. 17.16.030(G)(3), Gig Harbor Municipal Code]
>
> *Design. An ADU shall be designed to maintain the architectural design, style, appearance and character of the main building as a single-family residence. If an ADU extends beyond the current footprint or existing height*

> *of the main building, such an addition must be consistent with the existing facade, roof pitch, siding and windows.* [Tacoma Ordinance No.25624]

Some ordinances simply say that any changes to the exterior of the home should not alter the "single-family character" of the neighborhood.

> *The ADU shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence.* [DCTED Model Accessory Dwelling Unit Ordinance]

This type of provision allows the reviewing agency some discretion and flexibility in applying design guidelines. However, unless "single-family appearance" or "character" are defined in some way, it may be difficult for a community to deny a permit application.

Illegal ADUs

What to do with existing illegal ADUs? Illegal units may be common in communities where there is excess demand for rental apartments, where zoning laws prohibit or tightly restrict ADUs, and where enforcement procedures are slow and/or ineffective. [*Accessory Apartments in Single-Family Housing*, p. 187]

So, depending on the circumstances, you may already have a substantial number of ADUs in your community. Some may predate the adoption of your city's zoning code and may therefore be classified as legal nonconforming units. Any ADUs built after the adoption of zoning codes prohibiting them would, of course, be classified as illegal units. Building and planning officials often have some idea of the number of illegal units in the community.

Safety is usually the most important concern of communities with illegal ADUs. When an ordinance allowing ADUs is adopted, many communities provide incentives for the owners of illegal units to legalize them and to bring them up to minimum fire and life safety requirements.

One option for encouraging legalization of existing illegal units is to waive any applicable fines for homeowners who apply for a permit within a certain period (e.g., six months) following adoption of the ordinance. Allowing a grace period for homeowners to modify illegal units that do not meet minimum health and safety standards may also be a useful incentive.

> *That portion of a single family residence which meets the definition of accessory dwelling unit which was in existence prior to January 17, 1995, may continue in existence provided the following requirements are met:*
>
> 1. *An application for an accessory dwelling unit is submitted within eighteen (18) months of January 17, 1995.*
>
> 2. *The unit complies with the minimum requirements of the Uniform Building Code, Section 1208....*
>
> [Sec. 19.04.0607(D), Mercer Island Municipal Code]

Owners of illegal units who apply for a permit within the grace period may also be given some leeway on minor violations of ADU size, lot size, setback, parking, and

other requirements where full compliance would be impractical. [*Model Zoning*, p. 29]

> *The Director may waive the one thousand (1,000) square feet limitation where exceeded in an accessory dwelling unit existing on January 1, 1993, if an application to legalize the accessory dwelling unit is filed within eighteen (18) months of the effective date of the ordinance codified in this section and if the Director finds that reduction of the floor area would be impractical.* [Sec. 23.44.025(A)(5), Seattle Municipal Code]

Imposing a stiff penalty on the owners of illegal units discovered after the grace period has run out may also serve as an effective incentive for owners to legalize their unauthorized units.

> *Legalization of Nonconforming ADUs. Nonconforming ADUs existing prior to the enactment of these requirements may be found to be legal if the property owner applies for an ADU permit prior to December 31, 1995, and brings the unit up to Minimum Housing Code standards. After January 1, 1996, owners of illegal ADUs shall be guilty of a misdemeanor and, upon conviction thereof, subject to a fine not to exceed $1,000, including all statutory costs, assessments, and fees, plus $75 per day after notice of the violation has been made. All owners of illegal ADUs shall also be required to either legalize the unit or remove it.* [Sec. 13.06.196(C)(11), Tacoma Municipal Code]

Experience in other jurisdictions indicates that cities may expect only limited success in getting owners of illegal units to come forward and register them even when offered amnesty. Owners of illegal conversions may prefer to keep their accessory apartments secret in order to avoid paying property taxes on them. A more significant motivation may be the desire to avoid income taxes. Even when zoning is not a constraint, property owners may choose to convert without a valid building permit in order to avoid the costs of compliance with building codes.

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Minimum Lot Size

Some communities restrict ADUs to lots that are over a certain minimum size. The purpose of this type of restriction is to control density and, indirectly, to limit the number of conversions.

Proponents point out that minimum and maximum ADU size requirements along with existing lot coverage, setbacks, and other regulations are sufficient to control density. They argue that minimum lot size requirements may prevent many older homeowners and others with homes on small lots from securing the benefits of an ADU. (Hare, Model Zoning, p. 25)

None of the Washington State ordinances reviewed for this report contained a minimum lot size requirement for homes with attached ADUs.

Some communities have adopted a minimum lot size requirement for detached ADUs.

> *7.a. Accessory dwelling units: ...*
>
> *(2) Only in the same building as the principal residence unless the lot is at least 10,000 square feet in area and the allowable density of the zone is not exceeded....* [Sec. 21A.08.030(B), King County Zoning Code]

Density Controls

Density controls place a limit on the total number of homes within a particular area (e.g., city blocks, census tracts, etc.) that can have ADUs. They are intended to prevent traffic, parking, and other density-related impacts that may result from an overconcentration of homes with ADUs. They are also intended to ensure an even distribution of ADUs throughout the community. Such requirements may limit the number of homes with ADUs that may be located within a certain distance of one another, or they may place a cap on the total number of ADUs that may be installed on a particular block without regard to proximity to other ADUs.

Density controls may serve as a useful reassurance for residents who are concerned about the possibility of numerous new conversions appearing in single-family neighborhoods. Since typical conversion rates are usually quite low, such restrictions may not actually prevent many conversions. Density controls can always be reviewed and possibly lifted at a later date after the community has gained more experience with actual conversion rates. [*Model Zoning*, p. 24]

> *If ... applications are filed for accessory dwelling units which would cause the concentration of single-family structures with new accessory dwelling units to exceed twenty percent (20%) of all single-family structures in single-family zones in any one census tract or in an area formed by a circle with a radius of one thousand feet (1,000') form the point at which three (3) or more census tracts meet, no further applications may be accepted for accessory dwelling units in such census tract or area. The Master Use Permit process set forth in Chapter 23.76 shall be followed to authorize these uses.* [Sec. 23.44.025, Seattle Municipal Code]

On the downside, dispersion requirements may be vulnerable to charges of inequity where homeowners who want to install an ADU are prevented from doing so simply because one or two other homeowners on the same block or within a certain distance, have already done so. This may be particularly troublesome in cases where the existing units were formerly illegal units that have recently been legalized. Dispersion requirements may also discourage the owners of illegal units from legalizing them and encourage the creation of new illegal units in areas that have already reached their limit.

Age of Home

Some communities have adopted restrictions on ADU conversions based on the age of the home. Ordinances that restrict the ADU conversions to homes that are over a certain age (e.g., three years) effectively prohibit ADUs in new construction. Regulations of this type are intended to limit the number of conversions and to prevent developers from constructing and marketing new homes with accessory apartments in single-family zones. Such regulations are also intended to prevent new construction designed specifically for conversion at a later time.

> *One accessory dwelling unit is permitted as subordinate to an existing single-family dwelling ...*
>
> *"Existing single-family dwelling" means that permits for construction of the principal dwelling were finaled (occupancy approved) at least three years prior to application for accessory dwelling unit.* [Secs. 20.20.120(B) and (A)(2), Bellevue Land Use Code]

Supporters of restrictions based on the age of homes assert that the goal should be to promote the recycling and better use of existing housing rather than to encourage the development of "duplexes" in single-family neighborhoods.

ADU proponents question the need for restrictions on ADUs in newly constructed homes. They argue that this type of restriction denies homeowners flexibility in the use of their homes to allow for changes in family size, economic status, or other life cycle changes. They also point out that ADUs can be more easily included in new construction with designs that more effectively address exterior appearance and parking issues. Many communities do allow ADUs in new as well as existing homes.

> *An ADU may be developed in either an existing or a new residence.* [DCTED Accessory Dwelling Unit Ordinance]

It is not clear that allowing ADUs in new construction will result in waves of ADU installations. Where there is concern over the potential numbers of ADUs, sunset provisions or reviews that are triggered after a certain number conversions may also provide reassurance to neighborhood groups, without restricting the ability of young homebuyers or others who may benefit from the opportunity to install an ADU in a newly purchased home. [*Accessory Units: State of the Art - Summary of Experience*, p. 23]

Length of Residence

Some ordinances limit ADU conversions to situations where the homeowner has lived in the house for a certain number of years (e.g., three years). These regulations are intended to prohibit conversions at the time of purchase and for a period of time after the purchase of both new and existing homes. Restrictions based on length of residence are also designed to prevent homebuyers from purchasing a home with the specific intent of installing an ADU. Such restrictions are usually based on concerns that legalization will result in large numbers of new ADU conversions.

> *... no application shall be considered for an accessory dwelling unit, unless the applicant has owned and resided at the subject site for a period of not less than two years prior to the application.* [Sec. 20.21.010 Edmonds Municipal Code]

ADU proponents argue that regulations of this type effectively remove the opportunity for first-time buyers to use the rental income from an ADU to help in qualifying for a mortgage loan and to offset a portion of their house payment.

Only one of the Washington ordinances reviewed for this report contained restrictions based on the length of homeowner residence.

Recording Requirements

To ensure continued compliance with owner-occupancy and other ordinance requirements by current, as well as by any subsequent owners, many communities require that either a deed restriction, covenant, or similar instrument be filed and recorded by the homeowner.

Deed restrictions run with the land and put prospective buyers on notice with respect to the requirements and limitations of the ordinance and, in some cases, inform them of the steps they must take to apply for ADU permits. Whenever there is a transfer of ownership of the property, the title search turns up the document noting the regulations.

> *The registration form or other forms as required by the (building official) shall be filed as a deed restriction with the (county) Department of Records and Elections to indicate the presence of the ADU, the requirement of owner-occupancy, and other standards for maintaining the unit as described above.* [DCTED Model Accessory Dwelling Unit Ordinance]

Some ordinances require homeowners to sign and file an agreement binding them to comply with all of the ADU ordinance provisions. The agreement may also provide an additional avenue for enforcement of the ordinance's requirements.

> *The applicant shall provide a covenant in a form acceptable to the City Attorney and suitable for recording with the County Auditor, providing notice to future owners or long term lessors of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by the person to whom the accessory dwelling unit permit has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this Section and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single family dwelling in the event that any condition of approval is violated.* [Sec. 39.020(D)(13), Everett Zoning Code]

Utility Service Requirements

ADU ordinances sometimes require applicants to get a permit approval affirming the adequacy of existing water and sewer service capacity. This may be important in cases where the principal and accessory units combined have more bedrooms than the original home or in rural areas where older septic systems may be near capacity. In cases where the existing capacity is inadequate, the ordinance may require proof that provisions will be made for adding capacity. [*Accessory Units: State of the Art - Model Zoning*, p. 30]

> *Certification by the (city/county) Health Department that the water supply and sewage disposal facilities are adequate for the projected number of residents must be provided to the building official.* [DCTED Model Accessory Dwelling Unit Ordinance]

Proponents point out that ADUs in most cases will not increase the number of people living in a house beyond the number for which it was originally designed and should not therefore cause any problems with respect to increased burdens on water and sewer systems. [*Accessory Apartments - Using Surplus Space in Single-Family Houses*, p. 15] Instead of requiring new infrastructure, ADUs may actually result in more efficient use of existing underutilized service capacities.

Some ordinances also prohibit the principal and accessory units from having separate utility meters. Requiring service through single water and electrical meters is intended to reinforce owner-occupancy requirements and to avoid the "duplex look" of separate electrical meters.

> *An accessory apartment must be connected to the utilities (except telephone and television) of the dwelling unit and may not have separate services.* [Sec. 23.70.030(10), Richland Municipal Code]

Provisions to Encourage Barrier-Free ADUs

ADUs increase housing opportunities for handicapped persons by allowing them to live independently in a separate dwelling but close to any needed support.

The community may want to consider including provisions to encourage the installation of barrier-free ADUs. One option would be to relax certain requirements where doing so would facilitate the installation of a barrier-free unit. It may also be helpful to add a statement in the ADU ordinance declaring the community's intention to increase affordable housing opportunities for the handicapped. [*Accessory Apartments - Using Surplus Space in Single-Family Houses*, p. 6]

> *In order to encourage the development of housing units for disabled and handicapped individuals, and persons with limited mobility, the director may allow reasonable deviation from the prescribed conditions where necessary to install features that facilitate access and mobility of disabled persons. Such facilities are in conformance with Washington State regulations for barrier-free facilities.* [Sec. 11.19.3210(B)(13), Spokane Municipal Code]

> *In order to encourage the development of housing units for people with disabilities, the (building official) may allow reasonable deviation from the stated requirements to install features that facilitate accessibility. Such facilities shall be in conformance with the UBC.* [DCTED Model Accessory Dwelling Unit Ordinance]

Maximum Number of ADUs per Lot

Most ordinances impose a limit of one ADU per single-family lot, particularly in urban areas that may have smaller average lot sizes. This restriction is intended to minimize increases in neighborhood density resulting from ADU conversions.

> *There shall be no more than one single-family conversion per lot.* [Sec. 18.42.010(A), Tumwater Municipal Code]

Such limits may not be necessary or appropriate in some areas such as agricultural zones where multiple accessory housing units may be provided on large lots (e.g., housing for farm workers).

> *Only one ADU may be created per residence in single-family zones. Multiple detached ADUs may be created in (agricultural) zones, if one of the occupants of each unit is employed by the property owner.* [DCTED Model Accessory Dwelling Unit Ordinance]

For most homeowners in single-family zones, the potential for adding more than a single ADU is not great in any event, in view of space requirements and the additional expense.

ADUs with Home Occupations

It may also be useful to consider what, if any, provisions there should be to regulate home occupations (e.g., bed and breakfast, home businesses, day care, etc.) in homes with ADUs. One option would be to prohibit all or certain types of home occupations in homes with ADUs.

> *A property may not have both an accessory dwelling unit and a home occupation as defined by this Ordinance.* [Sec. 20.118.030(B)(8), Walla Walla Zoning Code]

> *No home profession, family day care home, or mini day care facility may be undertaken in either the principal or the accessory unit.* [Sec. 11.19.3210(B)(8), Spokane Municipal Code]

Another option would be to allow home occupations in only one of the units, either the primary unit or the ADU, but not both. Many communities have already adopted regulations that are designed to control the impacts of home occupations. These regulations may be sufficient to control any impacts from residences that have both an ADU and a home business.

> *Home Occupations. Home occupations shall be allowed, subject to existing regulations, in either the ADU of the main building, but not both.* [Sec. 13.06.196(C)(9), Tacoma Municipal Code]

As an additional safeguard, the ordinance could include a provision requiring a review on a case-by-case basis of the cumulative impacts of a home occupation with an ADU, particularly with respect to parking and traffic. The reviewing agency may be provided with the discretion to modify ADU conditions or deny a permit where the cumulative impacts are deemed to be excessive. [*Accessory Units: State of the Art - Model Zoning*, p. 23]

Periodic Permit Renewal

Some ordinances require periodic renewal of ADU permits to allow closer monitoring of ADUs over time and to ensure that any zoning requirements continue to be met. This type of requirement can serve to allay the fears of neighborhood groups concerned about enforcement of ordinance conditions for the period after the permit has been issued. Periodic renewal of ADU permits also requires more planning department resources for enforcement.

> *The owner of a single family dwelling with an accessory dwelling unit shall file an Owner's Certificate of Occupancy in a form acceptable to the City Attorney no later than April 1st of each year.* [Sec. 39.020(D)(10), Everett Zoning Code]

Proponents argue that, where they are adopted, reapproval procedures should be routine unless conditions are no longer being met. A less onerous requirement from the perspective of the homeowner would be to waive permit renewals unless neighbors specifically complain and request a hearing. Another alternative would be to require renewal at longer intervals (e.g., two years), coupled with a survey of neighbors.

Of course, the community may decide not to include any requirement for permit renewal at all. Many communities simply rely on neighbor complaints (particularly those that require notice to neighbors at the time of installation) to ensure continued compliance. This appears to be the most common approach followed in the Washington ordinances reviewed for this report.

Using less restrictive requirements for permit renewals will allow the jurisdiction to concentrate enforcement efforts where they are most needed while at the same time reducing the regulatory burden on ADU homeowners. [*Accessory Units: State of the Art - Model Zoning*, pp. 5-6].

A related requirement found in some ordinances provides for the automatic expiration of the permit when changes occur causing the ADU to be out of compliance with the required development standards.

> *In addition to the conditions which may be imposed by the Planning Director ... all accessory dwelling units shall also be subject to the condition that such a permit shall automatically expire whenever:*

a. *The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by both the Planning Director and the Building Official; or*

b. *The subject lot ceases to maintain at least three off-street parking spaces; or*

c. *The applicant ceases to own or reside in either the principal or the accessory dwelling unit.* [Sec. 39.020(D)(12), Everett Zoning Code]

Automatic ADU Ordinance Review

Some communities have adopted provisions that require an automatic review of ADU ordinances after a certain number of ADU permits have been issued. An automatic review based on the number of permits issued may be based on a certain number issued community-wide or the number of permits issued within a single area (e.g., census tract), or a combination of these.

> *At least three (3) months prior to reaching the two thousand five hundred (2,500) limit on applications or on September 1, 1999, whichever is earlier, the Department of Construction and Land Use and the Planning Department shall submit to the City Council a report regarding accessory dwelling units established, and, if deemed necessary, recommendations for revisions to the regulations and procedures related to accessory dwelling units. ....*
>
> *Within six (6) months of receiving the report, the City Council shall review the report and consider the recommendations proposed. If the City has reached or is nearing the two thousand five hundred (2,500) limit on applications, the City Council shall determine whether to authorize further permits or otherwise revise the provisions.*
>
> *If applications are filed for permits for accessory dwelling units which would cause the concentration of new structures with accessory dwelling units to exceed twenty percent (20%) of the number of single-family residences in single-family zones in any one (1) census tract or in an area bounded by a circle with a radius of one thousand feet (1,000') from a point where three (3) or more census tracts meet, the Department of Construction and Land Use shall notify the City Council. Within three (3) months, that department shall submit a report to the City Council containing an analysis of the number, location and character of the single-family structures with accessory dwelling units in the tract or area exceeding the twenty percent (20%) threshold. The City Council shall request that the neighborhood planning organization for the affected neighborhood submit a recommendation within three (3) months of that request regarding action to be taken. Within six (6) months of receiving the neighborhood planning organization's recommendation, the City Council shall review the report and consider recommendations proposed. The City Council shall determine whether to*

> *authorize further permits or otherwise revise the provisions.* [Sec. 23.44.025(F), Seattle Land Use Code]

Automatic review provisions may be useful to reassure neighborhood groups that any problems related to ADUs will be reviewed and dealt with at some point.

If this type of provision is adopted, it may also be useful to include a provision grandfathering any ADUs that have been constructed before the ordinance is amended or repealed. This may help to remove any doubts or concerns that homeowners who legally install ADUs may have about the legal status of their units in the event that the ordinance is amended or repealed at a later date. [*Accessory Units: State of the Art - Summary of Experience*, p. 21]

Most of the Washington ordinances reviewed for this report do not provide for an automatic ordinance review.

Periodic Reports on ADU Applications

Periodic reporting by the planning department on permit applications may be useful to monitor the impacts of ADUs in the community. Some communities have included such requirements to address concerns expressed by neighborhood groups that unanticipated large numbers of conversions could harm single-family neighborhoods without some mechanism for periodic monitoring and review. If the number of conversions is having disproportionate impacts on particular areas in the community, then, presumably, the city council could step in to correct the situation by amending the ordinance to either limit or even prohibit additional conversions.

> *Reports. The Building and Land Use Services Division of the Public Works Department shall report annually to the City Council regarding ADU applications. The report shall include: (a) the number of units established; (b) the geographic distribution of the units; (c) the average size of the units; and (d) the number and type of completed regulatory enforcement actions. The ADU ordinance will be reassessed every five years, or sooner, if records show that 20 percent of the single-family structures within any census tract or city-wide have ADUs.* [Sec. 13.06.196(B)(8), Tacoma Municipal Code]

> *Biennially (every two (2) years), DCLU [Department of Construction and Land Use] shall prepare a report for the City Council stating the number and location of permits issued for new accessory housing units.* [Sec.23.44.025(F), Seattle Land Use Code]

Periodic reporting and monitoring requirements may give reassurance to neighborhood groups without hindering ADU installations, and may therefore be useful in communities where neighborhood groups are particularly wary of ADUs. Although experience around the country shows that actual installation rates will probably be lower than those predicted by many opponents, adoption of this requirement may be worthwhile to address neighborhood concerns.

References

References

Accessory Apartments in Single-Family Housing, by Martin Gellen, Center for Urban Policy Research, New Brunswick, NJ, 1985

"Accessory Apartments - Using Surplus Space in Single-Family Houses," by Patrick H. Hare, with Susan Conner and Dwight Merriam, *Planning Advisory Service Report Number 365*, American Planning Association, Chicago, IL, December 1981

"Accessory Units: An Increasing Source of Affordable Housing," by Patrick H. Hare and John Danbury, *PM*, September 1991

Accessory Units: State of the Art - Report I - Summary of Experience, by Patrick H. Hare, Washington D.C., December 1989

Accessory Units: State of the Art - Report III - Model Zoning, by Patrick H. Hare, Washington, D.C., September 1991

Blueprint for Bay Area Housing - A Handbook for Addressing the Critical Housing Shortage in the Bay Area, Association of Bay Area Governments and the Bay Area Council, the Local Housing Element Assistance Project, Oakland, CA, May 1990

Housing Affordability and Density: Regulatory Reform and Design Recommendations, by Douglas Kelbaugh, Mark Hinshaw and David Wright, prepared for the Washington State Department of Community Development by the University of Washington College of Architecture and Urban Planning Department of Architecture, 1992

"Not in My Backyard": Removing Barriers to Affordable Housing, Advisory Commission on Regulatory Barriers to Affordable Housing, Report to President Bush and Secretary Kemp, U.S. Department of Housing and Urban Development, Washington, D.C., 1991

"Planning for An Aging Society," by Deborah A. Howe, Nancy J. Chapman, and Sharon A. Bagget, *Planning Advisory Service Report*, Number 451, American Planning Association, Chicago, IL, April 1994

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Appendix A

MODEL ACCESSORY DWELLING UNIT ORDINANCE RECOMMENDATIONS
Washington State Department of Community, Trade, and Economic Development, January 1994

SECTIONS:

Definitions
Purpose and Intent
Standards and Criteria
Grandfathering
Application Procedures

DEFINITIONS

1. An Accessory Dwelling Unit (ADU) is a habitable living unit that provides the basic requirements of shelter, heating, cooking, and sanitation.

   Comment: The Uniform Building Code (UBC) Sec. 1207 & 1208 lists minimum room sizes for an efficiency unit. The jurisdiction could set up maximum areas in the Standards and Criteria below, if it so desired.

PURPOSE AND INTENT

A. The installation of an ADU in new and existing single-family dwellings (hereinafter principal units) shall be allowed in single-family zones subject to specific development, design, and owner-occupancy standards.

Comment: As required by Senate Bill 5584.

B. The purpose of allowing ADUs is to:

1. Provide homeowners with a means of obtaining, through tenants in either the ADU or the principal unit, rental income, companionship, security, and services.

2. Add affordable units to the existing housing.

3. Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the (city/county).[2]

4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.

[2] A parentheses indicates that the jurisdiction needs to insert the appropriate word or term.

5. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this Ordinance.

STANDARDS AND CRITERIA

A. ADUs shall meet the following standards and criteria:

1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When there are practical difficulties involved in carrying out the provisions of this Ordinance, the (building official) may grant modifications for individual cases.

   Comment: Construction shall conform to <u>all</u> codes which are required for any new construction.

2. Certification by the (city/county) Health Department that the water supply and sewage disposal facilities are adequate for the projected number of residents must be provided to the building official.

   Comment: More applicable in rural areas for septic and wells. It is actually covered by No. 1 above.

3. Any additions to an existing building shall not exceed the allowable lot coverage or encroach into the existing setbacks.

   Comment: Planning ordinance already in place in most jurisdictions.

4. The ADU may be attached to, or detached from, the principal unit.

   Comment: Jurisdictions need to survey their existing housing stock and neighborhood standards to determine where and how ADUs would best fit their housing needs. This would allow the most diversity of choice and honor the uniqueness of each site.

5. Only one ADU may be created per residence in single-family zones. Multiple detached ADUs may be created in (agricultural) zones, if one of the occupants of each unit is employed by the property owner.

   Comment: The first sentence is to "maintain single-family appearance." The second sentence is appropriate in agricultural zones.

6. The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence, but not both, for at least (X) months out of the year, and at no time receive rent for the owner-occupied unit.

Comment: Owner-occupied units are better maintained, and therefore the neighborhood will be better maintained. If the owner has to live on site for more than six months out of the year, they could not own more than one ADU. This would eliminate speculators/developers from developing duplexes throughout an area under the guise of calling them ADUs.

7. An ADU may be developed in either an existing or a new residence.

   Comment: This would allow new home builders to plan ahead for "mother-in-law" type units and thus save money now and time and inconvenience later.

8. In no case shall an ADU be more than 40 percent of the building's total floor area, nor more than 800 square feet, nor less than 300 square feet, nor have more than 2 bedrooms, unless in the opinion of the (building official), a greater or lesser amount of floor area is warranted by the circumstances of the particular building.

   Comment: Area limitation. See No. 1 under Definition above. The existing structure, the lot size, or the jurisdiction will determine ADU's size.

9. The ADU shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence.

   Comment: To maintain single-family appearance. This is a subjective evaluation and unless specific design standards are adopted by the jurisdiction, this may be difficult to consistently apply.

10. The primary entrance to the ADU shall be located in such a manner as to be unobtrusive from the same view of the building which encompasses the entrance to the principal unit.

    Comment: The second entrance is located this way to maintain single-family appearance with an attached ADU. Less restrictive than "no second entry on the street side of the principal unit," but it allows for site restriction that may make a side or rear entry impossible.

11. One off-street parking space, in addition to that which is required by the Ordinance for the underlying zone, shall be provided or as many spaces deemed necessary by the (building official) to accommodate the actual number of vehicles used by occupants of both the primary dwelling and the ADU. Parking spaces include garages, carports, or off-street areas reserved for vehicles.

Comment: Parking requirements may vary from jurisdiction to jurisdiction depending on density of neighborhood, existing neighborhood standards, etc. Other parking options include more than one additional space, tandem parking, or allowing on-street parking.

12. In order to encourage the development of housing units for people with disabilities, the (building official) may allow reasonable deviation from the stated requirements to install features that facilitate accessibility. Such facilities shall be in conformance with the UBC.

    Comment: This is an accessibility issue.

GRANDFATHERING

1. Option 1.

   ADUs created prior to (date) shall be registered with the (building official) for inclusion into the Certificate of Occupancy Program. Application for registration must contain the name of the owner, the address of the unit, the floor area of the two dwelling units, a plot plan of the property, evidence of the date of establishment of the unit, evidence of the use for the six-month period prior to the application for registration, and a signature of the owner.

   Comment: This provision would allow the building official to verify the compliance of the ADU to the codes, and to require changes as necessary.

   Option 2.

   Ignore.

   Comment: It would be difficult, and very time consuming, to determine under which codes the ADU was originally constructed.

APPLICATION PROCEDURE

1. Application for a building permit for an ADU shall be made to the (building official) in accordance with the permit procedures established in Section (00.0000), and shall include:

   Comment: For building official's plan check.

   a. A letter of application from the owner(s) stating that the owner(s) shall occupy one of the dwelling units on the premises, except for bona fide temporary absences, (for (X) months out of each year).

Comment: This is an owner-occupancy requirement. Limits the owner from "living" in several units at the same time.

2. The registration form or other forms as required by the (building official) shall be filed as a deed restriction with the (county) Department of Records and Elections to indicate the presence of the ADU, the requirement of owner-occupancy, and other standards for maintaining the unit as described above.

   Comment: This is for optional use if the owner-occupancy requirement is adopted.

3. The (building official) shall report annually to the (council) on ADU registration, number of units and distribution throughout the (city/county), average size of units, and number and type of complaint and enforcement-related actions.

   Comment: This is a local jurisdiction option. This provides a tracking mechanism on the number of ADUs to determine if changes to the Ordinance are needed.

4. Cancellation of an ADU's registration may be accomplished by the owner filing a certificate with the (building official) for recording at the (city/county) Department of Records and Elections, or may occur as a result of enforcement action.

5. This Ordinance shall take effect and be in force five days after passage and legal publication.

   Comment: This is a local jurisdiction option.

Appendix B

Summary of Selected Accessory Dwelling Unit Ordinances

City Population	Owner Occupancy Requirement	Location	Size Requirements	Parking Requirements	Public Hearing Required	Design Standards	Allow in New Construction?	Other
Bellevue 99,140	Yes	Attached	Not less than 300 sq. ft.; not more than 800 sq. ft.; ADU shall not exceed 40% of total residence.	1 additional	No	Second entry facing street prohibited.	No (Primary residence must have existed for three years prior to application for ADU permit)	ADU and home occupation not allowed on the same site. No rent may be charged for owner-occupied unit.
Clyde Hill 2,995	Yes	Must be attached to main unit or a detached garage.	Not less than 300 sq. ft.; not more than 900 sq. ft.; ADU shall not exceed 40% of total residence.	1 additional	No	Second entry facing street prohibited. Maintain single-family appearance.	Yes	Utility department must certify that water and sewer facilities are adequate. ADU must have a separate numbered address.
Everett 78,240	Yes	Attached	ADU floor area shall not exceed 35% of total floor area.	3 for principal and ADU	Property owners within 300 ft. may request hearing.	Second entry facing street prohibited. Maintain single-family appearance.	Yes	Separate water and electric meters prohibited. Annual filing of owner occupancy certificate required. When home abuts alley, ADU parking must be off of alley.
Mercer Island 21,270	Principal unit or ADU must be occupied by owner or immediate family member of owner.	Attached or detached.	Not less than 220 sq. ft.; not more than 900 sq. ft.; ADU shall not exceed 40% of primary dwelling, excluding garage.	3 for principal and ADU	No	Second entry facing street prohibited. Additions must be consistent with roof pitch, siding, and windows of principal unit.	Yes	Notice of permit application mailed to property owners within 300 ft. with 14 day comment period.
Richland 35,430	Yes	Attached	Not less than 300 sq. ft.; not more than 800 sq. ft.; ADU shall not exceed 40% of total floor area.	1 additional	No	Second entry within same facade as main entry prohibited.	Yes	ADU may not have separate utility service (except telephone and television).

City Population	Owner Occupancy Requirement	Location	Size Requirements	Parking Requirements	Public Hearing Required	Design Standards	Allow in New Construction?	Other
Spokane 185,600	Yes	Attached	Not less than 300 sq. ft.; not more than 700 sq. ft.; ADU shall not exceed 30% of total floor area or have more than 2 bedrooms.	Must meet standards of underlying zone.	No	Second entry should be on side or rear or "very unobtrusive" from same view encompassing primary entrance.	Yes	Occupancy of ADU limited to family members or persons providing nursing care to owner. Additions for ADU shall not increase sq. ft. of structure by more than 10%. Home occupations prohibited in either principal or ADU unit.
Seattle 531,400	Yes	Attached	Floor area of at least one of the dwelling units shall not exceed 1,000 sq. ft.	2 parking spaces required (1 for primary unit and 1 for ADU)	No	Only one entrance may be located on each front or street side of residence.	Yes	Notice of permit issuance mailed to property owners within 200 ft. explaining standards and procedure for filing complaints.
Tacoma 182,800	Yes	Attached	Not less than 300 sq. ft.; not more than 800 sq. ft.; shall not exceed 33% of total floor area.	1 additional. (Must be located in rear of lot where access is available)	No	Second entry within same facade as main entry prohibited. Additions must be consistent with existing facade, roof pitch, siding and windows.	Yes	Notice of permit issuance mailed to property owners within 400 ft. Home occupations allowed in either ADU or main building, but not both.
Tumwater 11,200	Yes	Within existing (at least 2 years old) attached or detached structures.	Principal and accessory structures must have at least 2,000 sq. ft. gross floor area; ADU shall not exceed 25% of total floor area and can have no more than 2 bedrooms.	1 additional	No	Only one entrance may be visible from front. No external evidence of occupancy by more than one family.	No (may be installed only in structures at least two years old)	No additions to existing floor area allowed for conversion.
Walla Walla 28,730	Yes	Attached or detached	Not more than 800 sq. ft. or 33% of living area of primary structure, whichever is smaller.	1 additional (must be in rear or on a driveway)	No	No more than one entrance on front of house.	Yes	Home occupations prohibited. Reasonable deviations from standards allowed to facilitate accessibility for people with disabilities.

Appendix C

City of Bellevue
Design & Development Department
455-6864

ACCESSORY DWELLING UNIT
Registration Application

INTAKE DATE	TECH INITIALS	PROJECT FILE #

Property Address _____ Zip Code _____

Owner _____ Phone _____

Mailing Address _____ City,State,Zip _____

Legal Description (attach if necessary) _____

Tax Assessor's # _____ Construction of original residence completed in 19 _____

Total square footage of residence (including accessory unit & excluding garage) _____

Square footage of accessory unit only _____

DESIGN & USE REQUIREMENTS: (See section 20.20.120 of the Bellevue Land Use Code for complete regulations)

1. One accessory unit is permitted as a subordinate use within an existing single family dwelling.
2. The primary unit or accessory unit must be owner occupied.
3. Only homes at least 3 years old at the time of application may have an accessory unit.
4. The accessory unit must be a least 300 sq. ft. and not more that 800 sq. ft unless approved by the Design & Development department. The accessory unit cannot exceed 40% of the total living area (excluding garage) of the residence, including the accessory unit.
5. Total residents of both units must not exceed City's definition of family (6 unrelated individuals).
6. Off-street parking equal to one more than required by underlying zoning (typically 3 total spaces) must be provided.
7. Only one front door entrance; additional entrances are permitted on the side and rear of the house.
8. Accessory units are not permitted in structures detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.
9. The accessory unit must meet all technical code standards (Title 23, BCC, including building, electrical, fire, and plumbing code requirements).
10. A site may not contain both an accessory unit and a business subject to the regulations in 20.30N for a Class A or Class B Home Occupation Permit.
11. An accessory unit may not be subdivided or otherwise segregated in ownership from the primary residence.
12. After approval by the City of Bellevue and registration with King County, all neighbors within 200 feet of the residence will be notified of the existence of the accessory dwelling unit.

I certify that I am the owner of the residence and have read the Design & Use requirements listed above. I also certify that the information I have given is correct and that I now comply and will continue to comply with all the above listed requirements.

Signed by Owner _____

FOR OFFICE USE ONLY

☐ Approved ☐ Approved > 800 sf ☐ Denied

Design & Development _____ Date _____

ACCESSORY DWELLING UNIT (ADU)
Code Compliance Inspection

2/94

Your ADU must be inspected by a Code Compliance Officer prior to final occupancy approval. **This inspection is separate from the building inspection required for all remodeling permits.** Please contact the Code Compliance Officer assigned to your ADU permit, or call 455-6875 to schedule an inspection. ▪ If you have any questions concerning your application submittal, please visit or call the Permit Center (455-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4).

The Code Compliance Officer will inspect for the following minimum technical code standards necessary for ADU approval:

INSPECTION CHECKLIST	MINIMUM STANDARDS
Exit Facilities and Emergency Escapes	1. For every sleeping room -- At least one operable window or door approved for emergency escape directly to the outside and conforming to the following unobstructed dimensions: -- Minimum net clear openable area 5.7 sq. ft. -- Minimum net clear openable height 24 inches -- Minimum net clear openable width 20 inches -- Minimum finished sill height above floor 44 inches 2. Bars, grills, or grates -- Equipped with approved release mechanisms which are openable from the inside without the use of a key or special knowledge or effort.
Light and Ventilation	1. Natural light for all rooms -- Exterior glazed openings with an area not less than one-tenth of the floor area of the room, with a minimum of 10 square feet. 2. Natural ventilation for all rooms -- Openable exterior openings with an area of not less than one-twentieth of the floor area of the room, with a minimum of 5 square feet. 3. Natural ventilation for bathrooms, laundry rooms, and similar rooms -- Openable exterior openings with an area not less than one-twentieth of the floor area of the room, with a minimum of 1½ square feet **OR** -- A mechanical ventilation system connected directly to the outside, capable of providing 5 air changes per hour. The point of discharge of exhaust air must be at least 3 feet from any opening into the building.

(OVER)

Room Dimensions	1. Ceiling height -- Not less than 7 feet 6 inches. **Exception:** Kitchens, halls, and bathrooms -- not less than 7 feet. 2. At least one room must have not less than 120 square feet of floor area; other rooms (except kitchens), not less than 70 square feet.
Smoke Detectors	1. Installed in each sleeping room **and** at a point centrally located in the corridor or area giving access to each separate sleeping area. 2. Installed in the hallway and in the adjacent room where the ceiling height of a room open to a hallway serving bedrooms exceeds that of the hallway by 24 inches or more.
Efficiency Dwelling Units	Must conform to other requirements of the code, **except** the unit must have: 1. A living room of not less than 220 square feet, with an additional 100 square feet for each occupant of the unit in excess of two. 2. A separate closet. 3. A kitchen sink, cooking appliances, and a refrigerator -- Each having not only a clear working space of not less than 30 inches in front, but also light and ventilation. 4. A separate bathroom containing a toilet, wash basin, and bathtub or shower.
Special Hazards*	1. Visual observation of possible electrical hazards: wiring, switches, outlets, fixtures, panel, etc., that appear unusual. 2. Visual observation of possible mechanical hazards: chimney, woodstove, fireplace, etc. * **Note:** If possible hazards to the life or safety of occupants are noted, a City inspector may be called in to verify conditions, and the owner may be <u>required</u> to make necessary corrections.

After Recording Mail To:

City of Everett
Department of Community Development
and Planning
3002 Wetmore Avenue
Everett, WA 98201

CITY OF EVERETT

ACCESSORY DWELLING UNIT COVENANT

THIS COVENANT is executed this _____ day of _____, 19____, by _____ hereinafter referred to as "Owner."

RECITALS

WHEREAS, Owner is the owner of the following described property on which a prinicipal residential structure and an accessory dwelling unit exist:

_____
_____
_____
_____; and

WHEREAS, Owner has made application to the City of Everett for a permit for an accessory dwelling unit in accordance with the provisions of the City of Everett Zoning Code, Title 19 of the Everett Municipal Code; and

WHEREAS, as a condition of approval of a permit for an accessory dwelling unit Owner is required to provide a covenant in accordance with the provisions of the City of Everett Zoning Code;

NOW, THEREFORE, Owner does hereby covenant and agree as follows:

1. An accessory dwelling unit within Owner's single family residence located on the herein described property is permitted by the City of Everett subject to the conditions set forth in the City of Everett Zoning Code, Chapter 19.39 as amended or hereafter superseded.

2. The permit for the accessory dwelling unit is issued to the Owner personally. This covenant does not run with the land. In addition to the requirements of Paragraph 1 herein, the continued existence of the accessory dwelling unit is predicated upon Owner's continued occupancy of the principal residential structure on the herein described property.

3. In the event there is a violation of any of the conditions of approval of the permit for the accessory dwelling unit, the Owner is to provide for the removal of all improvements added to covent the subject premises to an accessory dwelling unit and provide for complete restoration of the site to a single family dwelling.

OWNER

By: _____

By: _____

STATE OF WASHINGTON)
ss.
COUNTY OF SNOHOMISH)

On this day personally appeared before me _____ _____ to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

Dated: _____

_____
(Signature of notary public)

(Seal or stamp)

_____
Title
My appointment expires: _____

dwell.cont.taq

CITY OF EVERETT
ACCESSORY DWELLING UNIT
OWNER'S CERTIFICATE OF OCCUPANCY

FILE # _____

ADDRESS _____

KNOW all men by these presents:

That, the undersigned, deposes and states that the undersigned owns the property described by this certification; and does hereby certify that the undersigned resides at said property as the undersigned's permanent and principal residence. This certification is required by Chapter 19.39 of the Everett Municipal Code as a condition of the continued use of an accessory dwelling unit located within the residence described herein and commonly referred to as _____ (address).

(Legal Description of property on which residence is located)

Dated this _____ day of _____, 19____.

Signature _____ X _____

STATE OF WASHINGTON)
ss
COUNTY OF SNOHOMISH)

On this _____ day of _____, 19___, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ and _____, executed the within and foregoing dedication, and acknowledged the said dedication to be of free and voluntary act for the uses and purposes therein mentioned in this instrument.

Dated: _____

_____
(Signature of notary public)

(Seal or stamp)

_____
Title
My appointment expires: _____

dwell2.cont.taq

City of Redmond
Instructions for Filing Application

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

GENERAL DEVELOPMENT PERMIT - ACCESSORY DWELLING UNIT

The following information must be submitted with the application:

1. A written description of the interior and exterior modifications that will be done to accommodate the accessory dwelling, the location on site, and the square footage of the accessory dwelling unit.

2. A written statement explaining how this proposal meets the criteria contained in Section 20C.20.012 - Accessory Dwelling Units.

3. A copy of any covenants, conditions and restrictions (CC & R's) affecting the property. If there are no CC & R's affecting the property, a written statement that indicates no CC & R's affect the proposal shall be submitted.

4. Legal description and King County Tax Assessment Number for the property.

5. Vicinity map showing location of subject property.

6. Names and addresses of adjoining property owners (available from King County Assessor's Office).

7. A site plan showing dwelling location, elevation changes to dwelling, if any, and location of parking to serve accessory unit. (15 copies required)

8. Explanation of any modifications to existing codes or standards if proposed.

9. Affidavit of ownership/occupancy and parking status.

10. Additional information may be required by the Technical Committee. The applicant will be notified in writing if necessary.

NOTE: Approval of the General Development Permit does not exempt the proposal from any covenant, condition or restriction which may be in effect at the time of issuance. It is the owners responsibility to comply with any CC & R's; City review of covenants are not intended to be a determination of compliance.

Rev. 10/10/90

c:\Forms\Form80

AFFIDAVIT OF OWNER - OCCUPANCY AND ON-SITE PARKING

I understand that for the purposes of establishing an accessory dwelling unit in the City of Redmond the single family dwelling in which such a unit is created must be owner-occupied, per Section 20C.20.012(10) of the Redmond Community Development Guide.

"Owner-occupied" shall be defined as the primary, established, fixed, or permanent dwelling place owned by a person in which he or she lives and intends to be his or her legal residence and to which he or she intends to return despite temporary residences elsewhere or despite temporary absences.

Also, Section 20C.20.012(15) Parking - stipulates that the dwelling in which the accessory dwelling unit is provided shall have adequate off-street parking, in addition to that which is provided for the single family dwelling. One additional off-street parking space must be provided for the accessory dwelling unit. Off-street parking includes private garages, carports, or off-street areas reserved for vehicles.

I hereby acknowledge compliance with the owner-occupancy and parking provisions of the Redmond Community Development Guide, Section 20C.20.012 Accessory Dwelling Units.

_____

Signature of Applicant

20C.20.012(25) Penalty for Violations - In addition to all other penalties provided elsewhere in the Redmond Municipal Code and Community Development Guide, each owner of a structure who maintains or permits an accessory unit therein in violation of any provision of this Section 20C.20.012, shall be subject to a civil penalty in the amount of One Hundred Dollars ($100) per day, for each day the violation is allowed to persist after receiving notice thereof from the Code Administrator.

Application to Establish an Accessory Dwelling Unit

Project Number _____ _____

Address _____

Owner _____ Daytime Phone # _____

Assessor's Parcel Number _____

Submit this form along with required plans and other documents.

Parking Waiver Request, if necessary

1000 Max. sq. ft. Waiver Request, if necessary

Name(s) of Tenant(s) _____ Phone: _____

_____ Phone: _____

_____ Phone: _____

Owner Occupancy Certificate, completed and notarized

Date Unit was Created (to best of your knowledge): _____

Value of Construction Work Needed to Legalize Unit: _____

Copy of the Contractor's Registration/Lien Law Form (completed)

Copy of Agent's Authorization Letter from Owner (If agent)

Applicant's Name _____ Date received _____
(PLEASE PRINT)

Applicant Signature _____ Date signed _____

Relationship of applicant: (circle one) owner, agent, architect, contractor, engineer

Receipt # _____ Date of receipt _____

For DCLU Use only

Project #	Address	Zone	Type	Parking Waiver?	Granted?	Parking Spaces Provided	Size of Unit	HOUSING/ZONING OK No corrections	OK w/checklist	Denied

SAMPLE

NOTICE OF ISSUANCE OF A PERMIT

for an

ACCESSORY DWELLING UNIT

Dear Resident:

Although accessory dwelling units have existed in the City of Seattle for many years, the City's Land Use Code did not allow for their legal establishment until the enactment of new legislation effective December 1, 1994. The City Council decided to allow these units in single family homes in order to promote availability of affordable housing. The Council established a number of regulations and safeguards to ensure that these units can be accommodated appropriately in single family neighborhoods.

This notice is to inform you that your neighbor at _____ has been issued a permit for an accessory dwelling unit. The unit complies with the standards and conditions of the legislation and has been inspected by the Department of Construction and Land Use.

Proj. No. _____ Permit No. _____ Issue Date: _____

Project description:

Permit to establish an accessory dwelling unit in a single family residence.

REQUIREMENTS FOR MAINTAINING THE USE

Standard Requirements:

1. One unit must be owner-occupied.
2. One accessory unit is permitted per lot.
3. One off street parking space for each unit is required. Waivers are available.
4. Accessory unit may not be located in a detached structure.
5. Accessory unit may not exceed 1000 sq. ft. Waiver for size is available for an existing unit that becomes legal.
6. If unrelated persons occupy either unit, the maximum number of persons for the whole structure is eight. If all persons in each unit are related, there is no maximum number of persons. (This will allow two separate households, unrelated to each other, to occupy the structure with no maximum number of related persons per unit.)
7. Only one entrance may be located on each front or street side unless the entrance already existed as of January 1,1993.
8. Accessory Dwelling Unit permit must have a final permit inspection within no more than 2 years from the date of application.

Special Requirements and/or Waivers Granted for this Project:

_____

This permit will continue to be in effect unless revoked by the owner or by the City as a result of code compliance action for violations of the Accessory Dwelling Unit requirements. Violations of the above standard and special requirements can be reported to the Housing and Zoning Enforcement Division at 684-7899.

To obtain general information about Accessory Housing in the City of Seattle or about the application process, please call 684-8850 and ask to speak to a Land Use Technician.

Application to Legalize an Accessory Dwelling Unit

Project Number _____

Address _____

Owner _____ Daytime Phone # _____

Assessor's Parcel Number _____

I have provided the following required information and documents:

2 sets of: **Floor Plan of the Accessory Unit**, showing:
- each room with its use and dimensions
- ceiling heights called out
- emergency egress in all sleeping rooms, with
- egress dimensions, including sill height of any egress windows
- location of smoke alarms
- location of entrance to unit
- (1/4" = 1' Minimum scale)

Heat Source for Accessory Unit

Floor Plan of rest of house - showing room uses and dimensions

Plot Plan showing:
- location of house on property
- entrances to the two units
- parking location with dimensions of spaces and access
- (1/8" = 1' Minimum scale)

and,

Parking Waiver Request, if necessary

1000 Max. sq. ft. Waiver Request, if necessary

Name(s) of Tenant(s) _____ Phone: _____

_____ Phone: _____

_____ Phone: _____

Owner Occupancy Certificate, completed and notarized

Date Unit was Created (to best of your knowledge): _____

Value of Construction Work Needed to Legalize Unit: _____

Copy of the Contractor's Registration/Lien Law Form (completed)

Copy of Agent's Authorization Letter from Owner (if agent)

Applicant's Name _____ (PLEASE PRINT) Date received _____

Applicant Signature _____ Date signed _____

Relationship of applicant: (circle one) owner, agent, architect, contractor, engineer

Receipt # _____ Date of receipt _____

For DCLU Use only

Project #	Address	Zone	Type	Parking Waiver?	Granted?	Parking Spaces Provided	Size of Unit	HOUSING/ZONING OK No corrections	OK w/checklist	Denied

ACCESSORY DWELLING UNIT
CONCOMITANT AGREEMENT

This AGREEMENT, entered into this _____ day of _____, 1995, by and between _____, hereinafter referred to as the "Applicant" and the CITY OF TACOMA, Washington, a municipal corporation, hereinafter referred to as the "City,"

W I T N E S S E T H:

WHEREAS the Applicant has applied for an Accessory Dwelling Unit (ADU);

WHEREAS the City and the Applicant are both interested in complying with the Land Use Management Plan and the ordinances of the City of Tacoma relating to the provision of ADUs;

WHEREAS the Applicant is the property owner (i.e. title holder or contract purchaser) of the property described as follows:

hereinafter sometimes referred to as the "Site," and

WHEREAS the Applicant has indicated willingness to cooperate with the Building and Land Use Services (BLUS) Division of the City Public Works Department, and the Hearings Examiner of the City to ensure compliance with all City Ordinances and all other local, state, and federal laws relating to the use and development of the Site; and

WHEREAS the City, in addition to civil and criminal sanctions available by law, desires to enforce the rights and interests of the public by this Concomitant Agreement;

NOW, THEREFORE, the Applicant does hereby covenant and agree as follows:

1. The Applicant promises to comply with all terms of this agreement;

2. The Applicant hereby agrees to be bound by and to comply with the following requirements, which shall not be subject to waiver or variance:

A. *Number One* ADU shall be allowed per residential lot as a subordinate use in conjunction with any new or existing single family structure in the City of Tacoma.

B. *Occupancy* Occupancy shall be limited to the following: No more than two persons in a unit of 300-400 square feet, no more than three persons in a unit ranging from 401-600 square feet, and no more than four persons is a unit ranging from 601-800 square feet.

C. *Location* The ADU shall be permitted as a second dwelling unit added to or created within the main building.

D. *Composition* The ADU shall include facilities for cooking, living, sanitation and sleeping.

E. *Size* The ADU, excluding any garage area and other non-living areas such as workshops or greenhouses, shall not exceed 33% of the total square footage of the main building and the ADU combined after modification. The ADU shall not contain less than 300 square feet nor more than 800 square feet.

F. *Ownership* The property owner (i.e. title holder or contract purchaser) must maintain his/her residency in the main building or the ADU. Owners shall sign an affidavit which attests to their residency and attests that at no time shall they receive rent for the owner-residency unit. Falsely attesting owner-residency shall be a misdemeanor subject to a fine not to exceed $5,000, including all statutory costs, assessments and fees. In addition, ADUs shall not be subdivided or otherwise segregated in ownership from the main building.

G. *Design* An ADU shall be designed to maintain the architectural design, style, appearance and character of the main building as a single-family residence. If an ADU extends beyond the current footprint or existing height of the main building, such an addition must be consistent with the existing facade, roof pitch, siding and windows. Only one entrance for the main building is

permitted to be located in the front facade of the dwelling. If a separate outside entrance is necessary for an ADU, it must be located either off the rear or side of the main building. Such entrance must not be visible from the same view of the building which encompasses the main entrance to the main building and must provide a measure of visual privacy.

H. *Parking* One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the main building, pursuant to Section 13.06.350 of the Tacoma Municipal Code. Such parking must be provided in the rear of the lot where adequate access is available. Adequate access shall be defined as a dedicated street or alley with a minimum gravel surface.

I. *Home Occupations* Home occupations shall be allowed, subject to an existing regulations, in either the ADU or the main building, but not both.

J. *Concomitant Agreement* Upon issuance of an ADU permit by the City, a property owner must record with the Pierce County Auditor a Concomitant Agreement. Specific procedures are identified in subjection (B)(5).

K. *Legalization of Nonconforming ADUs* Nonconforming ADUs existing prior to the enactment of these requirements may be found to be legal if the property owner applies for an ADU permit prior to December 31, 1995, and brings the unit up to Minimum Housing Code standards. After January 1, 1996, owners of illegal ADUs shall be guilty of a misdemeanor and upon conviction thereof, subject to a fine not to exceed $1,000, including all statutory costs, assessments, and fees, plus $75 per day after notice of the violation has been made. All owners of illegal ADUs shall also be required to either legalize the unit or to remove it.

3. Applicant agrees and understands that prior to obtaining a final Certificate of Approval, all required improvements shall have been completed and accepted by the City.

4. No modifications of this agreement shall be made unless mutually agreed upon by the parties in writing.

5. The City may, at its discretion, bring a lawsuit to compel specific performance of the terms of this agreement. In addition to all other remedies

available to the City by law, the City reserves the right to revoke its approval of the ADU permit should the Applicant fail to comply with any of the terms and conditions of this agreement.

6. If any condition or covenant herein is not performed by the Applicant, the Applicant hereby consents to entry upon the Site by the City of Tacoma or any entity, individual, person or corporation acting on behalf of the City of Tacoma for purposes of curing said defect and performing said condition or covenant. Should the City in its discretion exercise the rights granted herein to cure said defect, the Applicant, his successors and assigns, consent to the entry of the City on the above described property and waive all claims for damages of any kind whatsoever arising from such activity and the Applicant further agrees to pay the City all costs incurred by the City in remedying said defects or conditions. The obligations contained in this section are covenants running with the land, and burden the successors and assigns of the respective parties. Upon the sale of the property a new owner shall be required to sign a new affidavit of residency pursuant to Tacoma Municipal Code 13.06.196B.3.

7. In the event that any term or clause of this agreement conflicts with applicable law, such conflict shall not affect other terms of this agreement which can be given effect without the conflicting term or clause, and to this end, the terms of this agreement are declared to be severable.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

CITY OF TACOMA

Attest:

_____
City Clerk

By:_____
MAYOR

Legal Description Approved:

_____
Director of Planning

(Applicant Name)

Approved as to form:

_____
Assistant City Attorney

By:_____
Title:_____

STATE OF WASHINGTON)
)ss.
County of Pierce)

I, THE UNDERSIGNED, a Notary Public in and for the State of Washington, do hereby certify that on this ____ day of _____, 19____, personally appeared before me _____, to me known to be the individual(s) who executed the above instrument, and acknowledged said instrument to be their free and voluntary act and deed, for the uses and purposes above mentioned.

GIVEN under my hand and official seal the day and year last above written.

_____
NOTARY PUBLIC in and for the state of
Washington, residing at:_____
My commission expires:_____